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# ONTARIO LABOUR RELATIONS BOARD

## ANNUAL REPORT 1989-90



## ONTARIO LABOUR RELATIONS BOARD

<i>Chair</i>	M.G. MITCHNICK
<i>Alternate Chair</i>	R.O. MacDOWELL
<i>Vice-Chair</i>	M. BENDEL
	L.M. DAVIE
	N. DISSANAYAKE
	R.A. FURNESS
	O.V. GRAY
	B. HERLICH
	R.J. HERMAN
	R.D. HOWE
	B. KELLER
	P. KNOPF
	J. McCORMACK
	M. NAIRN
	K. O'NEIL
	K. PETRYSHEN
	N.B. SATTERFIELD
	I. STAMP
	G.T. SURDYKOWSKI
	S. TACON

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B.L. ARMSTRONG	J. W. MURRAY
C.A. BALLENTINE	W.S. O'NEILL
W.A. CORRELL	D.A. PATTERSON
K.S. DAVIES	H. PEACOCK
A.R. FOUCAULT	R.W. PIRRIE
W.N. FRASER	J. REDSHAW
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R.D. McMURDO	N.A. WILSON
T. MEAGHER	D. WOZNIAK

<i>Registrar</i>	T.A. INNISS
<i>Deputy Registrar</i>	J.E. BOWMAN
<i>Board Solicitors</i>	C. EDWARDS
	K.A. MacDONALD



**ONTARIO  
LABOUR RELATIONS BOARD  
ANNUAL REPORT  
1989-90**



***Ontario Labour Relations Board,  
400 University Avenue,  
Toronto, Ontario***

ISSN 0711-849X



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Ontario  
Labour Relations  
Board

Commission  
des relations  
de travail de l'Ontario

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December 13, 1990

The Honourable Bob Mackenzie  
Minister of Labour  
400 University Avenue  
14th Floor  
Toronto, Ontario  
M7A 1T7

Dear Minister:

It is my pleasure to provide to you the tenth Annual Report of the Ontario Labour Relations Board for the period commencing April 1, 1989 to March 31, 1990.

Sincerely,

M. G. Mitchnick  
Chair



## CHAIR'S MESSAGE

Had I been required to write this in the early months of my appointment, the message likely would have gone out as a note in a bottle, hoping to catch the attention of would-be rescuers. Nothing I had done or seen at the Board in my six earlier years as a Vice-Chair had provided me with a glimmer of what the job of administering a large adjudicative tribunal has become, and the first year has, for me at least, been one of transition.

This Board has, however, always been blessed with a strong staff and senior managers, and that fact has allowed me the latitude to look around and learn more about the needs and processes of the Board from the point of view of administration. Certainly a part of that learning experience has been sharing with the Board's other managers the painstaking process of readying the Board's computer program for implementation, but I am more than satisfied that the time and effort will very soon be resulting in a product that the community will regard as being of great benefit.

Service to the community is, of course, why the Board exists, and we continue to search for ways to provide that service in a manner that is more effective and efficient. The mechanism of pre-hearing conferences has been expanded in its usage, and must continue to be so as a counterpoint to the tendency to lengthier and costlier proceedings. An area of disappointment continues to be the time and resources, both of the Board and of the community, that go into the resolution of 'jurisdictional disputes', and the Board is fully cognizant of the need to explore alternate methods of resolution in that area.

One benefit to the introduction of the computer, when finally it is ready to come on stream, will be to allow the Board to more closely and regularly monitor its statistical levels of performance. As part of that, the community will be pleased to know that the Board will, for the first time, be able to track and report upon time lost in the disposition of its cases to adjournments generated by the parties. On the other side of that, however, we recognize that the rendering of decisions, once the hearing into a matter has been completed, lies solely in the hands of the Board, and we are committed to continuing our efforts to streamline our process, in order to ensure our adjudicators the opportunity to provide the community with timely decisions of the same high quality that the community has become used to.

## I INTRODUCTION

This is the tenth issue of the Ontario Labour Relations Board's Annual Report, which commenced publication in the fiscal year 1980-81. This issue covers the fiscal year April 1, 1989 to March 31, 1990.

The report contains up-to-date information on the organizational structure and administrative developments of interest to the public and notes changes in personnel of the Board. As in previous years, this issue provides a statistical summary and analysis of the work-load carried by the Board during the fiscal year under review. Detailed statistical tables are provided on several aspects of the Board's functions.

This report contains a section containing a brief description of every Board matter that was subject to review by the courts during the year. Since many of these court decisions are unreported, the summaries in the Board's Annual Report have been helpful to the practising bar. The report continues to provide a legislative history of the *Labour Relations Act* and notes any amendments to the Act that were passed during the fiscal year.



## II A HISTORY OF THE ACT

In 1943, the Ontario Legislature engaged in one of the first attempts in Canada to institute an effective scheme of compulsory collective bargaining. *The Collective Bargaining Act, 1943*, S.O. 1943, c. 4 came about as a result of a public hearing before a select committee of the Provincial Legislative Assembly. Although the establishment of a 'Labour Court' was not strenuously lobbied for by any of the interest groups which made submissions to the Select Committee, it was this option which the Select Committee saw fit to endorse. The Committee's report, in the form of a draft bill, was submitted to the Legislature on March 25th, 1943, and when enacted on April 14th, 1943, legitimized collective bargaining in Ontario under the Ontario Labour Court, which was a division of the Supreme Court of Ontario.

The Act of 1943 abolished the common law doctrines of conspiracy and restraint of trade as they had applied to trade unions, and gave employees a right to participate in union activity. A union was permitted to apply for certification as the bargaining agent for a group of employees. The Court had power to ascertain the appropriate unit for the purpose of collective bargaining. It has been pointed out that:

...the shape and structure of the collective-bargaining system was to be determined by a court which was expected to develop policies that would promote orderly collective bargaining. It was recognized that the scheme of the Act involved both administrative and judicial functions. The Court was also empowered to delegate its non-judicial responsibilities so that it could develop an administrative infra-structure to support its 'judicial' role. (MacDowell, R.O., "Law and Practice before the Ontario Labour Relations Board" (1978), 1 Advocate's Quarterly 198 at 200.)

The Act contained several features which are standard in labour relations legislation today - management dominated organizations could not be certified; managerial employees were excluded from the Act; employers could not discriminate against employees for participation in union activity; employers were required to recognize a certified bargaining agent; and there was a duty to bargain in good faith. The Labour Court had broad remedial powers - something which the Ontario Labour Relations Board would not have for many years. The Labour Court was the only forum for resolution of disputes arising under a collective agreement. This function was to be performed without cost to the parties. It is now performed by private boards of arbitration or sole arbitrators and, when disputes arise in the construction industry, by the Labour Relations Board.

The Ontario Labour Court was to have a short lifespan (it opened in June 1943, and heard its last case in April, 1944). In his book, *The Ontario Labour Court 1943-44*, (Queen's University Industrial Relations Centre, Kingston, 1979), John A. Willes gives the following reasons for the Court's early demise:

...the trade unions were complaining about the high cost of proceedings before the Court, the Judges were not eager to deal with labour matters under the Act, and most important, the Conservative party, that had promised to repeal the legislation if elected, formed the government in Ontario in the Spring of 1944.

The immediate circumstances which brought about the demise of the Labour Court (and hence the formation of a Board) was a war time move by the Federal Government to centralize

labour relations law. Owing to the division of powers between the Dominion and Provincial Governments, control over labour relations in Canada is shared between the two levels of government depending on whether the undertaking falls under Federal or Provincial jurisdiction. In 1907, the Federal Government attempted to bring labour disputes in public utilities and coal mines under Federal control by means of *The Industrial Disputes Investigation Act*. Disputes in other industries were often brought voluntarily within the provisions of the Act. In 1925 this Act was held by the Privy Council to be *ultra vires* the Dominion Parliament because it infringed on the Provincial power over 'property and civil rights.' (*Toronto Electric Commissioners v. Snider*, [1925] A.C. 396; [1925] 2 D.L.R. 5).

The Act was subsequently amended so as to encompass only those industries within Federal jurisdiction. This left labour relations largely in the hands of the Provincial legislatures, although by virtue of a clause in the Federal Act, Provinces could, in effect, 'opt in' to the Federal system (all the Provinces except Prince Edward Island exercised this option for a time). However, given the constitutional situation in Canada, decentralization of labour policy was inevitable and the Ontario regime was representative of this decentralization. However, the fact that Canada was at war allowed the Federal Government to rely on its emergency power to pass Order in Council P.C. 1003. This Order adopted the general principles of the American *Wagner Act*, and called for an independent regulatory authority. The Ontario Labour Court was replaced by the Ontario Labour Relations Board, pursuant to *The Labour Relations Board Act*, 1944, S.O. 1944, c. 29, which was subject to the Federal Wartime Labour Relations Board. The Chairman of the fledgling Ontario Board was Jacob Finkleman, who had been the registrar of the Labour Court.

In 1947, the Ontario Labour Relations Board became independent of the Federal Government by virtue of *The Labour Relations Board Act*, 1947, S.O. 1947, c. 54. The next year, *The Labour Relations Act*, 1948, S.O. 1948, c. 51, was passed. The 1948 Act, which was enacted in anticipation of new Federal legislation, repealed the earlier *Labour Relations Board Acts* and empowered the Lieutenant-Governor in Council to make regulations "in the same form and to the same effect as that . . . Act which may be passed by the Parliament of Canada at the session currently in progress . . ." This Act was basically transitional in nature, since work was already under way on the drafting of separate Provincial legislation, which made its first appearance in *The Labour Relations Act*, 1950, S.O. 1950, c. 34.

The major function of the Board was, and still remains, certifying trade unions as bargaining agents. The history of the Board is largely a history of the acquisition of new powers and functions, as new ways of dealing with the problems inherent in industrial relations developed. Initially, however, the Board's role was fairly limited. There was no enforcement mechanism at the Board's disposal in 1950. The major enforcement method was prosecution, in which case the Board had to grant consent to prosecute. The Board had the power to declare a strike or lock-out unlawful, but this in itself fell short of being a very complete remedy. In a situation where an individual had been refused employment, discharged, discriminated against, threatened, coerced, or otherwise dealt with contrary to the Act, the appropriate remedy lay in an inquiry by a conciliation officer who then reported to the Minister who in turn could make an appropriate order.

Thus, outside of granting certifications and decertifications, the Board's power was quite limited. The power to make certain declarations, determinations, or to grant consent to prosecute under the Act was remedial only in a limited way. Of some significance during the fifties was the Board's acquisition of the power to grant a trade union "successor" status. (*The Labour Relations Amendment Act*, 1956, S.O. 1956, c. 35). In 1962, the complementary section providing for the preservation of bargaining rights in the case of "successor employers" was passed and was later expanded so as to preserve existing collective agreements. (*The Labour Relations Amendment Act*, 1961-62, S.O. 1961-62, c. 48; *The Labour Relations Amendment Act*, 1970, S.O. 1970, c. 85.)

*The Labour Relations Amendment Act, 1960*, S.O. 1960, c. 54, made a number of changes in the Board's role. Most importantly, the Board received the authority to order reinstatement with or without compensation. In conjunction with this new power was the power to designate a field officer to investigate complaints. The Board's reinstatement and compensation orders could be filed in the Supreme Court of Ontario and were enforceable as orders of that Court. The Board also received the power to refer jurisdictional disputes to a new jurisdictional disputes commission which had the power to make interim orders or directions. The Board was given limited power to review the directions. As with the Board's reinstatement and compensation orders, the interim orders could be filed with the Supreme Court and thus become enforceable as orders of that Court. The Board also received the power to set a terminal date for the filing of membership evidence and evidence opposing certification, and the discretion to refuse to "carve out" a craft unit where there was a history of industrial organization in a plant. In 1960 provision was also made for pre-hearing representation votes.

In 1962, *The Labour Relations Amendment Act, 1961-62*, added new provisions to the Act in order to respond to unique problems which were evident in the construction industry. This industry was given a separate but somewhat similar regime under the Act in response to recommendations made in the "Goldenberg Report" (*Report of The Royal Commission on Labour Management Relations in the Construction Industry*, March, 1962). Provision was made for determination of bargaining units by reference to geographic areas rather than particular projects. The Board, in consultation with interested parties, divided the Province geographically for the purpose of certification in the construction industry. Labour policy with regard to the construction industry has continued to evolve. Legislation was introduced in 1977 to provide for province-wide bargaining in the industrial, commercial, and institutional sector of that industry in response to the recommendations contained in the "Franks Report" (*Report of the Industrial Inquiry Commission into Bargaining Patterns in the Construction Industry of Ontario*, May, 1976) (*The Labour Relations Amendment Act, 1977*, S.O. 1977, c. 31). Further amendments were made to the Act in relation to the construction industry in 1979 and 1980. *The Labour Relations Amendment Act, 1979* (No. 2), S.O. 1979, c. 113, and *The Labour Relations Amendment Act, 1980*, S.O. 1980, c. 31, extended the bargaining rights held by trade unions in the construction industry for any particular employer in relation to the industrial, commercial and institutional sector of the industry; prohibited selective strikes and lock-outs; and provided for an expeditious ratification procedure.

In 1970, by virtue of *The Labour Relations Amendment Act, 1970*, the Board received a significant extension to its remedial authority. Provision was made for authorization of a Labour Relations Officer to inquire into certain complaints with a view to settling the matters. The most interesting addition to the situations in which the Board could make remedial orders was in the case of a breach of the newly created "duty of fair representation". This duty, imposed on trade unions, required them not to act in a manner which was arbitrary, discriminatory, or in bad faith in their representation of employees for whom they hold bargaining rights. More recently, this duty has been extended to cover referral of persons to work. The Board also received the power to make "cease and desist" orders with respect to unlawful strikes and lock-outs in the construction industry, which would be filed with the Supreme Court and be enforceable as orders of the Court.

A major increase in the Board's remedial powers under the *Labour Relations Act* occurred in 1975. (*The Labour Relations Amendment Act, 1975*, S.O. 1975, c. 76). The Board was permitted to authorize a Labour Relations Officer to inquire into any complaint alleging a violation of the *Labour Relations Act*. A settlement reached by the parties and put into writing was binding on the parties, and a breach of such settlement could be dealt with in the same fashion as a breach of a provision of the Act. The Board's remedial powers were extended to all violations of the Act, and orders of the Board were enforceable in the same way that an order of the Supreme Court is enforceable. The Board also received authority to make "cease and desist" orders with respect to



any unlawful strike or lock-out. It was in 1975 as well, that the Board's jurisdiction was enlarged to enable it to determine grievances in the construction industry referred to it by one of the parties to a collective agreement.

In June of 1980, the *Labour Relations Amendment Act, 1980 (No. 2)*, S.O. 1980, c. 34, was passed providing for compulsory check-off of union dues and the entitlement of all employees in a bargaining unit to participate in ratification and strike votes. Provision was also made for the Minister of Labour to direct a vote of the employees in a bargaining unit on their employer's final offer at the request of their employer. In June of 1983, the *Labour Relations Amendment Act, 1983*, S.O. 1983, c. 42, became law. It introduced into the Act section 71a, which prohibits strike related misconduct and the engaging of or acting as, a professional strike-breaker. To date the Board has not been called upon to interpret or apply section 71a.

In June of 1984, the *Labour Relations Act, 1984*, S.O. 1984, c. 34 was enacted. This Act dealt with several areas. It gave the Board explicit jurisdiction to deal with illegal picketing or threats of illegal picketing and permits a party affected by illegal picketing to seek relief through the expedited procedures in sections 92 and 135, rather than the more cumbersome process under section 89. The Act also permitted the Board to respond in an expedited fashion to illegal agreements or arrangements which affect the industrial, commercial and institutional sector of the construction industry. It further established an appropriate voting constituency for strike, lock-out and ratification votes in that sector and provided a procedure for complaints relating to voter eligibility to be filed with the Minister of Labour. The new amendment also eliminated the 14 day waiting period before an arbitration award which is not complied with may be filed in court for purposes of enforcement.

In May of 1986, the *Labour Relations Amendment Act, 1986*, S.O. 1986, c. 17 was passed to provide for first contract arbitration. Where negotiations have been unsuccessful, either party can apply to the Board to direct the settlement of a first collective agreement by arbitration. Within strict time limits the Board must determine whether the process of collective bargaining has been unsuccessful due to a number of enumerated grounds. Where a direction has been given, the parties have the option of having the Board arbitrate the settlement.

In December 1986, the *Equality Rights Statute Law Amendment Act, 1986* amended, amongst other statutes, the *Labour Relations Act* to bring it into line with the *Human Rights Code, 1981* and the *Canadian Charter of Rights and Freedoms*. The provisions prohibiting the Board from certifying a trade union which discriminates and deeming in agreement not to be a collective agreement if it discriminates were amended. They now include any ground of discrimination prohibited by these two statutes.

On March 31, 1990, the fines under the *Labour Relations Act* were increased by the *Provincial Penalties Adjustment Act, 1989*, S.O. 1989, c.72, s.48. For breach of the Act, fines for any individual were doubled to \$2,000 and those for a corporation or trade union were increased to \$25,000.

## THE FULL BOARD AND SENIOR STAFF



1989-1990

### *Front Row (left to right):*

J. Rundle, R. Herman, C. McDonald, J. Bowman, T. Inniss, R. MacDowell, M. Mitchnick, J. MacDonald, P. Coursey, J. McCormack, S. Tacon, I. Stamp, P. Knopf

### *2nd Row*

N. Satterfield, T. Meagher, D. Patterson, R. Sloan, J. Ronson, R. Montague, A. Hershkowitz, C. Ballentine, G. Shamanski, J. Kurchak, S. Weslak, M. Rozenberg, A. Grant, F. Kelly, K. Jenkins, A. Jenkins

### *3rd Row*

R. Howe, R. Pirrie, R. Furness, D. MacDonald, J. Redshaw, K. Petryshen, O. Gray, E. Theobald, D. Wozniak

### *4th Row*

G. Surdykowski, K. Rogers, B. Armstrong, K. Davies, P. Grasso, M. Nairn, J. Johnston, M. Jones, J. Trim, W. Wightman, A. Foucault, K. MacDonald, K. O'Neil, D. Lilloco

### *5th Row*

H. Kobryn, W. Correll, H. Peacock, W. Fraser, J. Lear, P. Toop, B. Herlich, L. Davie

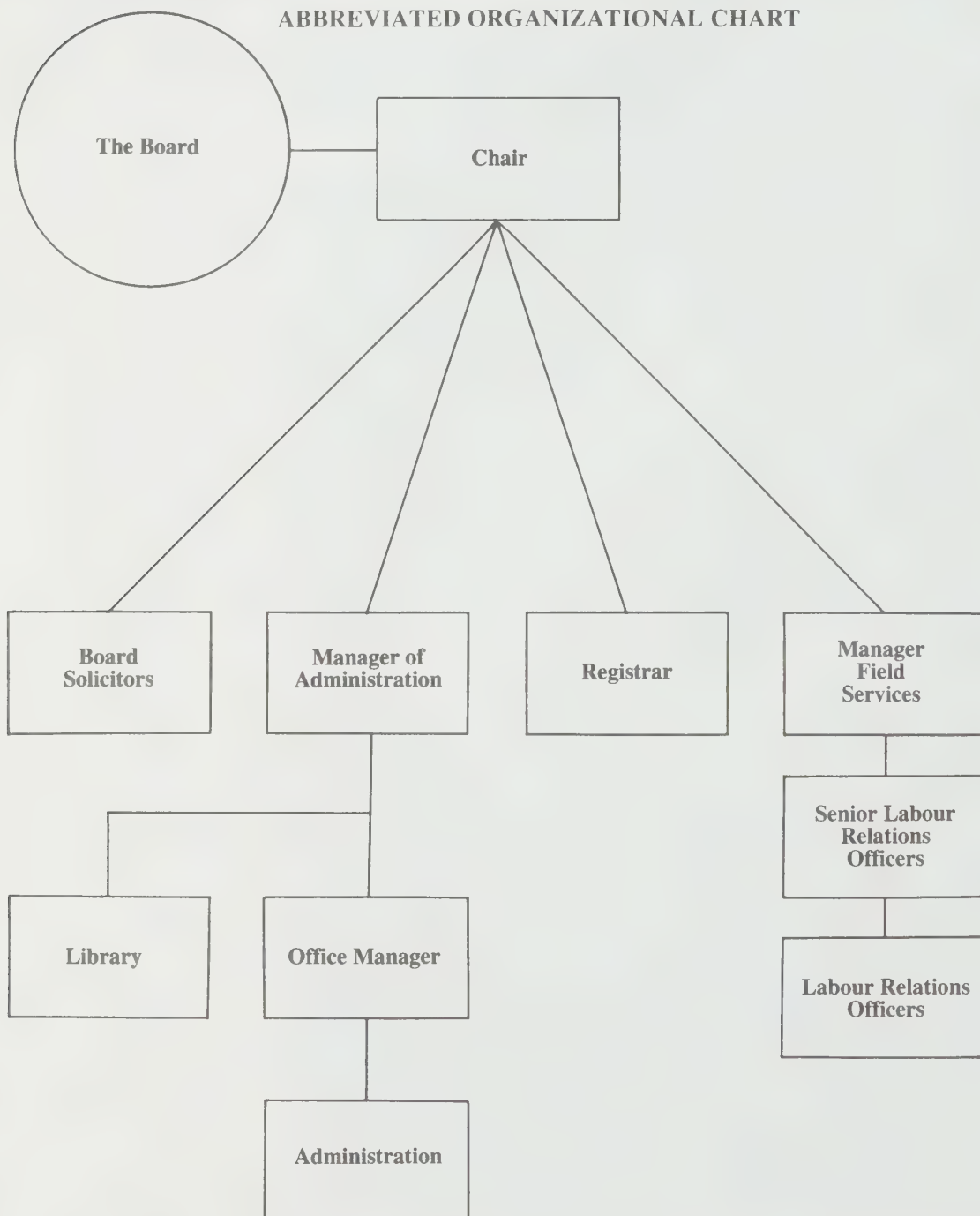
### *Missing:*

N. Dissanayake, B. Keller, M. Bendel, W. Gibson, W. McCarron, R. McMurdo, J. Murray, W. O'Neill, M. Vukobrat, R. Anderson, J. Kennedy, M. Ross, N. Wilson, C. Edwards

### III BOARD ORGANIZATION

The following is an abbreviated organizational chart of the Ontario Relations Board

**ABBREVIATED ORGANIZATIONAL CHART**





## IV THE BOARD

The legislative policy regarding labour relations in the Province of Ontario is set out in the preamble to the *Labour Relations Act*, R.S.O. 1980, c. 228, as follows:

. . . it is in the public interest of the Province of Ontario to further harmonious relations between employers and employees by encouraging the practice and procedure of collective bargaining between employers and trade unions as the freely designated representatives of employees.

With this policy as a basis, the Act confers on the Ontario Labour Relations Board the authority over many important aspects of collective bargaining such as certification of trade unions, unfair labour practices, first contract arbitration, unlawful strikes and lock-outs, jurisdictional disputes, and arbitration of grievances in the construction industry. In order to carry out this mandate the Board is composed of a Chair and an Alternate Chair, several Vice-Chairs and a number of Members representative of labour and management respectively in equal numbers. At the end of the fiscal year the Board consisted of the Chair, Alternate Chair, 14 full-time Vice-Chairs, 4 part-time Vice-Chairs and 42 Board Members, 22 full-time and 20 part-time. These appointments were made by the Lieutenant-Governor in Council.

Created by statute, the Ontario Labour Relations Board is best described as a quasi-judicial body, combining as it does, administrative and judicial functions. The Board attempts to avoid being overly technical or legalistic in making its determinations and relies heavily on the efforts of its Labour Relations Officers in encouraging settlements without the need for formal hearings. The Board strives to keep its procedures informal, expeditious and fair.

The Board, under section 106(1) of the Act, has the exclusive jurisdiction to exercise the powers conferred upon it by or under the Act and to determine all questions of fact or law that arise during any hearing before it. The Board's decisions are not subject to appeal and a privative clause in the statute limits the scope for judicial review. However, the Board has the power to reconsider any of its decisions, either on its own initiative or at the request of an affected party.

The Board has the power to determine its own practices and procedures. The publication entitled *Rules of Procedure, Regulations and Practice Notes* (Queen's Printer, Ontario) contains the established regulations, procedures and practices of the Board. New Practice Notes are published by the Board in its Monthly Report.

The Ontario Labour Relations Board has a somewhat limited role to play with respect to much of the collective bargaining viewed as falling within the public sector. For example, the Board does not have jurisdiction over crown employees, police officers or full-time fire fighters, and has only a limited jurisdiction with respect to teachers in schools and community colleges in the province. See the *School Boards and Teachers Collective Negotiations Act*, R.S.O. 1980, c. 464 and the *Colleges Collective Bargaining Act*, R.S.O. 1980, c. 74. On the other hand, the Board has full jurisdiction over employees employed by municipalities. A distinct piece of legislation, the *Hospital Labour Disputes Arbitration Act*, stipulates special laws that govern labour relations of hospital employees, particularly with respect to the resolution of collective bargaining disputes and the *Successor Rights (Crown Transfers) Act*, R.S.O. 1980, c. 489 provides for application to the Board where there is a transfer of an undertaking from the crown to an employer and vice versa.

The Board is also given an important role under the *Occupational Health and Safety Act*, R.S.O. 1980, c. 321. A similar jurisdiction is conferred on the Board by section 134b of the *Environmental Protection Act*, R.S.O. 1980, c. 141. From time to time the Board is called upon to determine the impact of the *Canadian Charter of Rights and Freedoms* on the rights of parties under the *Labour Relations Act*.

Apart from its adjudicative function, the Board's operations may be broadly divided into the following areas: (a) Administrative Division, (b) Field Services and (c) Legal Services.

#### **(a) ADMINISTRATIVE DIVISION**

##### *Administrative Committee*

An Administrative Committee comprised of the Chair, Alternate Chair, Registrar, Deputy Registrar, Manager of Administration, Manager of Field Services and Solicitors meets regularly to discuss all aspects of Board administration and management.

##### *Registrar's Section*

The Registrar is the chief administrative officer of the Board responsible for the overall maintenance of the Board's day-to-day operations. Her staff includes a Deputy Registrar, two assistants and three administrative secretaries.

The Registrar, through the Deputy Registrar and the Manager of Operations, supervises the Board's processing sections which process applications filed with the Board in accordance with the Board's Rules of Procedure. Every application received by the Board enters the system through the Registrar's office. She determines the hearing dates, assures the effective and speedy processing of each case and communicates with the parties in all matters relating to the scheduling of hearings or on particular problems in the processing of any given case.

##### *Manager of Administration*

The Manager of Administration is responsible for the co-ordination and efficient operation of the Board through the management of the budget, human resources functions, library and the provision of administrative direction and common services.

##### *Library Services*

The Ontario Labour Relations Board Library employs a staff of three, including a full-time manager. The Library staff provides research services for the Board and assists other library users. The Board Library maintains a collection of approximately 1200 texts, 25 journals and 30 case reports in the areas of industrial relations, labour, contract, evidence, constitutional and administrative law. The library has approximately 4,500 volumes. The collection includes decisions from other jurisdictions, such as the Canada Labour Relations Board, the U.S. National Labor Relations Board and provincial labour boards across Canada.

The library staff maintains a computer index to the Board's Monthly Report of decisions. It provides access by subject, party names, file number, statutes considered, cases cited, date, etc. It permits Board members and staff prompt and accurate access to previous Board decisions dealing with particular issues under consideration. The Board is the first labour relations tribunal in Canada to develop and implement this type of system. The data base also provides a microfiche index to the decisions. The Board makes the index available to the public through Publications Ontario at 880 Bay Street.

The Library staff has also compiled a manual index to the Bargaining Units certified by the Board since 1980. This index provides access by union name and subject.

## **(b) FIELD SERVICES**

In view of the Board's continuing belief that the interests of parties appearing before it, and labour relations in the province generally, are best served by settlement of disputes by the parties without the need for a formal hearing and adjudication, the Board attempts to make maximum use of its labour relations officers' efforts in this area. Responsibility for the division lies with the Manager of Field Services. In promoting overall efficiency, the manager puts emphasis upon the setting and monitoring of performance standards, case assignments, staff development and maintaining liaison with the Board. He is assisted by three Senior Labour Relations Officers, each of whom is assigned a team of officers. In addition to undertaking their share of the caseload in the field, the Senior Labour Relations Officers are responsible for providing guidance and advice in the handling of particular cases, managing the settlement process on certification days on a rotating basis, and assisting with the performance appraisals of the officers. In addition to the Labour Relations Officers, the Board employs two Returning/Waiver Officers. They conduct representation votes directed by the Board, as well as last offer votes directed by the Minister of Labour (see s. 40 of the Act). They also carry out the Board's programme for waiver of hearings in certification applications.

The Board's field staff continued its excellent record of performance throughout the fiscal year under review. In relation to complaints under the *Labour Relations Act* and the *Occupational Health and Safety Act*, the officers handled a total caseload of 1065 assignments, of which 88 percent were settled by the efforts of the officers. The officers handled a total of 995 grievances in the construction industry of which 93.7 percent were settled. Of 527 certification applications dealt with under the waiver of hearings programme, the officers were successful in 391 or 74 percent.

The Chair of the Board, along with the Manager of Field Services and the Board Solicitors, meets with the officers on a monthly basis to deal with administrative matters and review Board jurisprudence affecting officers' activity and other policy and legal developments relevant to the officers' work.

## **(c) LEGAL SERVICES**

Legal services to the Board are provided by the Solicitors' Office. The office consists of three Board solicitors, who report directly to the Chair. The Board also employs two articling students to assist the solicitors in carrying out the functions of the Solicitors' Office.

The Solicitors' Office is responsible for providing the legal assistance required by the Board in all facets of its operations. The solicitors engage in legal research and provide legal advice to the Chair, Vice-Chairs and Board Members in their day-to-day functions. They provide legal opinions to the Board and prepare memoranda relating to the wide variety of legal issues that arise during Board proceedings. The Solicitors' Office is responsible for preparing all of the Board's legal forms and other legal documents required for use by the Board. Board procedures, practices and policies are constantly reviewed by the solicitors. When preparation or revision of practice notes, Board Rules or forms becomes necessary, the solicitors are responsible for undertaking those tasks.

The solicitors are active in the staff development programme of the Board and meet regularly with the Board's field staff to keep them advised of legislative, Board and judicial developments that may affect their day-to-day work. The solicitors are available for consultation by these officers on legal issues that may arise in the course of their work. At regularly scheduled field staff meetings, a solicitor prepares written material for distribution and discussion among the field staff



relating to recent decisions of the Board or other tribunals which may affect the discharge of their duties. The solicitors also advise the Board Librarian on the legal research material requirements of the Board and on the library's general acquisition policy.

Another function of the Solicitors' Office is the representation of the Board's interests in court, when matters involving Board proceedings or Board orders become the subject of proceedings in court, as when an application for judicial review of a Board order is filed or an application is made by way of stated case to the Divisional Court. Where outside counsel is retained to represent the Board, a solicitor, in consultation with the Chair, briefs and instructs such counsel on the Board's position in relation to the issues raised by the judicial proceedings. The Solicitors' Office is also responsible for the preparation and compilation of documents that the Board may be required to file with the court in relation to such proceedings.

The Solicitors' Office is responsible for all of the Board's publications. One of the Board's solicitors is the Editor of the Ontario Labour Relations Board Reports, a monthly series of selected Board decisions which commenced publication in 1944. This series is one of the oldest labour board reports in North America. In addition to reporting Board decisions, each issue of the Reports contains a section listing all of the matters disposed of by the Board in the month in question, including the bargaining unit descriptions, results of representation votes and the manner of disposition.

The Solicitors' Office also issues a publication entitled 'Monthly Highlights'. This publication, which commenced in 1982, contains scope notes of significant decisions of the Board issued during the month and other notices and administrative developments of interest to the labour relations community. This publication is sent free of charge to all subscribers to the Ontario Labour Relations Board Reports. The Solicitors' Office is also responsible for periodically revising the publication entitled 'A Guide to the Labour Relations Act', which is an explanation in layman's terms, of the significant provisions of the Act. The latest revision took place in June 1986, to reflect the amendments to the Act.

## MEMBERS OF THE BOARD

At the end of the fiscal year 1989-90, the Board consisted of the following members:

### MORTON G. MITCHNICK, B.A., LL.B *Chair*

On March 20, 1989, Mr. Mitchnick assumed the chairship of the Ontario Labour Relations Board. A native of Hamilton, Ontario, he is a graduate of McMaster University, and received his LL.B. at the University of Toronto. Mr. Mitchnick spent eight years in labour-relations practice with the Toronto law firm of Miller, Thomson, Sedgewick, Lewis & Healy, prior to joining the Ontario Labour Relations Board as a Vice-Chair, where he served from 1979 to 1986. More recently he has enjoyed a varied "neutral" practice as a private arbitrator and mediator, as well as an adjudicator under the *Employment Standards Act*, the *Ontario Human Rights Code* and the *Canada Labour Code*. From 1986 to 1989 he served on a part-time basis as the Alternate Chair of the Ontario Public Service Labour Relations Tribunal, and from 1987 to 1989 as a Vice-Chair of the Ontario Public Service Grievance Settlement Board as well.

Mr. Mitchnick's recent publications include a comparative labour-law text on Canada's Charter of Rights entitled "Union Security and the Charter", together with a synopsis of "Practice and Procedure before the Ontario Labour Relations Board", appearing in the August 1985 issue of "Advocates' Quarterly". He has conducted a wide range of seminars on both the *Labour Relations Act* and the practice of arbitration, and is a lecturer for the University of Toronto's Continuing Education Branch on the subject of Employment and Labour Law.

### RICHARD (RICK) MacDOWELL *Alternate Chair*

Mr. MacDowell's educational background includes a B.A. (Honours) in Economics from the University of Toronto (1969), an M.Sc. (with Distinction) in Economics from the London School of Economics and Political Science (1970) and an LL.B. from the University of Toronto Law School (1974). He has been associated with the University of Toronto as a lecturer in industrial relations with the Department of Political Economy since 1971 and with the Graduate School of Business since 1976. A former Senior Solicitor of the Board, Mr. MacDowell was appointed to his present position of Vice-Chair in 1979. He is an experienced arbitrator and has served as a fact-finder in school board-teacher negotiations. Mr. MacDowell also has several publications relating to labour relations to his credit. During May-August, 1984, Mr. MacDowell served as the Board's Alternate Chair in an acting capacity.

### MICHAEL BENDEL *Vice-Chair*

Mr. Bendel joined the Board as a part-time Vice-Chair in September 1987. He is a graduate of the University of Manchester, England (LL.B., 1966) and the University of Ottawa (LL.B., 1975). Mr. Bendel was a legal officer with the International Labour Office, Geneva, Switzerland, from 1966 to 1969. From 1969 to 1974, he was employed by the Professional Institute of the Public Service of Canada (Ottawa) in various capacities, including in-house counsel and negotiator. Following his call to the Bar of Ontario in 1977, he was appointed professor in the Common Law Section, Faculty of Law, University of Ottawa, where he taught various labour law and other law courses, at the undergraduate and graduate levels, until 1984. In 1984, Mr. Bendel was appointed Deputy Chairman of the Public Service Staff Relations Board (Ottawa), where he was responsible for the interest arbitration function under the *Public Service Staff Relations Act* and where he also acted as grievance arbitrator. Upon resigning from that Board in August 1987, he entered private practice as a labour arbitrator. In addition to his arbitration practice and his part-time Vice-Chair position, Mr. Bendel is currently a part-time member of the Public Service Staff Relations Board. He is the author of several articles on labour law subjects in law journals.

LOUISA M. DAVIE *Vice-Chair*

Ms. Davie was appointed a Vice-Chair of the Board in April 1988. She is a graduate of Wilfrid Laurier University, Waterloo, (B.A. 1977) and the University of Western Ontario (L.L.B. 1980). After her call to the Ontario Bar in 1982, Ms. Davie was a law clerk to the Chief Justice of the High Court of Justice. After her tenure as law clerk she practised labour and employment law with a Toronto law firm until her appointment to the Board. Ms. Davie is a part-time lecturer in the Masters of Business Administration Program, McMaster University, Hamilton, and also acts as an arbitrator.

NIMAL V. DISSANAYAKE *Vice-Chair*

A former Senior Solicitor of the Board, Mr. Dissanayake was appointed a part-time Vice-Chair of the Board in July, 1987. He holds the degrees of LL.B. and LL.M. from Queen's University, Kingston. After serving his period of law articles with the Board, Mr. Dissanayake was called to the Ontario Bar in 1980. Prior to joining the Board as a solicitor he taught at the Faculty of Business, McMaster University, Hamilton, as Assistant Professor of Industrial Relations between 1978 and 1980. Since December 1987, he has served as a Vice-Chairman of the Grievance Settlement Board and is also engaged in adjudication as a private arbitrator and referee under the *Employment Standards Act*.

R. A. (RON) FURNESS *Vice-Chair*

Mr. Furness graduated from Imperial College, University of London, with a degree of B.Sc. in Mining Geology in 1957 and worked as a geologist in Newfoundland, Quebec, Ontario and Manitoba until 1960. He obtained his LL.B. degree from Osgoode Hall Law School in 1961, was called to the Bar in 1963 and received his LL.M. from York University in 1968. Mr. Furness first joined the Labour Relations Board as its Solicitor in 1963. He was appointed a Vice-Chair in 1969.

OWEN V. GRAY *Vice-Chair*

Mr. Gray joined the Board as a Vice-Chair in October, 1983. He is a graduate of Queen's University, Kingston (B.Sc. Hons., 1971) and the University of Toronto (LL.B. 1974). After his call to the Ontario Bar in 1976, Mr. Gray practised law with a Toronto law firm until his appointment to the Board. He is also an experienced arbitrator.

BRAM HERLICH *Vice-Chair*

Mr. Herlich was appointed to the Board as a Vice-Chair in October 1989. He is a graduate of McGill University (B.A., 1972; M.A., 1977) and Osgoode Hall Law School (LL.B., 1982). Prior to joining the Board he practised labour law with a Toronto firm and also acted as in-house counsel.

ROBERT J. HERMAN *Vice-Chair*

Mr. Herman was appointed a Vice-Chair of the Board in November, 1985, and was at that time a Solicitor for the Board. He is a graduate of the University of Toronto (B.Sc. 1972, LL.B. 1976) and received his LL.M. from Harvard University in 1984. Mr. Herman has taught courses in various areas of law, both at Ryerson Polytechnical Institute and the Faculty of Law, University of Toronto, and also acts as an arbitrator.

ROBERT D. HOWE *Vice-Chair*

Mr. Howe was appointed to the Board as a part-time Vice-Chair in February, 1980 and became a full-time Vice-Chair effective June 1, 1981. He graduated with a LL.B. (gold medallist) from the Faculty of Law, University of Windsor in 1972 and was called to the Bar in 1974. From



1972 to 1977 he was a law professor of the Faculty of Law, University of Windsor. From 1977 until his appointment to the Board, he practised law as an associate of a Windsor law firm while continuing to teach on a part-time basis at the Faculty of Law as a special lecturer in labour law and labour arbitration. Mr. Howe is an experienced arbitrator, referee, fact-finder and mediator. During May-August, 1984, Mr. Howe served as Chairman of the Board in an acting capacity.

**BRIAN KELLER** *Vice-Chair*

Mr. Keller joined the Board as a part-time Vice-Chair in September 1988. He is a graduate of Sir George Williams University (B.A., 1968) and the University of Ottawa (L.L.L. 1971). From 1983 until August 1988 he was a Vice-Chairman of the Canada Labour Relations Board. Mr. Keller currently acts as a private arbitrator and mediator.

**PAULA KNOPF** *Vice-Chair*

Mrs. Knopf joined the Board as a part-time Vice-Chair in August, 1984. She graduated with a B.A. from the University of Toronto, 1972, and LL.B. from Osgoode Hall Law School, 1975. Upon her call to the Ontario Bar in 1977, she practised law with a Toronto law firm briefly before commencing her own private practice with emphasis in the area of labour relations. A former member of the faculty of Osgoode Hall Law School, Mrs. Knopf is an experienced fact-finder, mediator and arbitrator.

**JUDITH McCORMACK** *Vice-Chair*

Ms. McCormack was appointed to the Board as a Vice-Chair in 1986. She did her undergraduate work at Simon Fraser University, and graduated with an LL.B. from Osgoode Hall Law School in 1976. Upon her call to the Bar in 1978, she practised labour law for the next eight years, first with a Toronto law firm and later as an in-house counsel. In 1986 she received her LL.M. in labour law from Osgoode Hall Law School. Ms. McCormack is the author of a number of articles on labour relations and has lectured and arbitrated in this area.

**MARILYN NAIRN** *Vice-Chair*

Ms. Nairn was appointed as a Vice-Chair to the Board in July 1989. She is a graduate of the University of Winnipeg (B.A. Econ., 1977) and the University of Ottawa (LL.B. Cum Laude, 1980). Upon her call to the Board she practised labour law until joining the Board as Solicitor in 1987. Ms. Nairn also teaches Union-Management Relations at Ryerson Polytechnical Institute and has lectured in labour relations at George Brown College and York University.

**KATHLEEN O'NEIL** *Vice-Chair*

Ms. O'Neil, a graduate of the University of Toronto (B.A. 1972) and Osgoode Hall Law School (LL.B., 1977), was a Vice-Chair of the Workers' Compensation Appeals Tribunal prior to her appointment to the Board in January 1988. She has also worked as an arbitrator, has had a private practice in nursing and labour relations law, worked as staff lawyer to nurses' and teachers' associations, served as a member of the Ontario Crown Employees Grievance Settlement Board and chaired the justice committee of the National Action Committee on the Status of Women.

**KEN PETRYSHEN** *Vice-Chair*

Mr. Petryshen was appointed a Vice-Chair in June, 1986. He is a graduate of the University of Saskatchewan, Regina (B.A. Hons., 1972) and Queen's University, Kingston (LL.B. 1976). After articling with the Ontario Labour Relations Board and after his call to the Bar in 1978, Mr. Petryshen practised law as a staff lawyer for the Teamsters Joint Council, No. 52. Prior to his appointment as a Vice-Chair, Mr. Petryshen was a Board Solicitor.

**NORMAN B. SATTERFIELD** *Vice-Chair*

Mr. Satterfield joined the Labour Relations Board in October, 1975, as a part-time Board Member representing management. In January of 1978 he was appointed a Vice-Chair. Mr. Satterfield holds a B. Comm. degree from the University of British Columbia (1949) and a diploma in Industrial Relations from Queen's University (1954). He was involved in labour relations activities in the brewing, heavy manufacturing and construction industries for over 25 years prior to his appointment as a Vice-Chair.

**INGE M. STAMP** *Vice-Chair*

Mrs. Stamp joined the Labour Relations Board in August, 1982 as a full-time Board Member representing management. In September of 1987, she was appointed a Vice-Chair. Mrs. Stamp comes to the Board with many years experience in construction industry labour relations. She also represented the Industrial Contractors Association of Canada during province-wide negotiations as a member of several employer bargaining agencies.

**GEORGE T. SURDYKOWSKI** *Vice-Chair*

Mr. Surdykowski joined the Board as a Vice-Chair in June, 1986. He is a graduate of the University of Waterloo (B.E.S., 1974) and Osgoode Hall Law School (LL.B. 1980). After his call to the Ontario Bar in 1982, Mr. Surdykowski practised law in Toronto until his appointment to the Board.

**SUSAN TACON** *Vice-Chair*

Susan Tacon was appointed to the Board as a Vice-Chair, in July 1984. Her educational background includes a B.A. degree (1970) in Political Science from York University and LL.B. (1976) and LL.M. (1978) degrees from Osgoode Hall Law School specializing in the labour relations area. Ms. Tacon taught a seminar in collective bargaining and grievance arbitration at Osgoode Hall Law School for several years and also lectured there in legal research and writing. She has several publications to her credit including a book and articles in law journals and is an experienced arbitrator.

**Members Representative of Labour and Management**

**JIM ANDERSON**

Mr. Anderson was appointed a part-time Board Member representing Labour in April, 1989. He has been active in the labour movement for many years. He has held various offices in the Canadian Union of Public Employees since 1954, and has been the Union's Ontario Regional Director since 1982. Mr. Anderson has also served as a union nominee on various Boards of Arbitration and as employee representative on Boards of Referees of the Unemployment Insurance Commission.

**BROMLEY L. ARMSTRONG**

A well-known civil rights leader, Mr. Armstrong was appointed a full-time Member of the Board representing labour in February of 1980. He has held various positions in unions, including local union representative, union steward, plant committee representative and financial secretary. Mr. Armstrong has actively participated in the activities of numerous ethnic and cultural associations, as founding member in many of them. He has been an executive member of the Canadian Civil Liberties Association since 1972 and was a member of the Advisory Council on Multiculturalism in Ontario from 1973 to 1975. Mr. Armstrong was appointed a Commissioner of the Ontario

Human Rights Commission in 1975, which post he held until his appointment to the Board. Mr. Armstrong was honoured by the Government of Jamaica when he was appointed a Member of the Order of Distinction in the rank of officer, in the 1983 Independence Day Civil Honours List, and the City of Toronto Award of Merit, March 1984 and the Urban Alliance and Race Relations Award in 1988. In 1990, Mr. Armstrong received the Harry Jerome Award of Excellence for Achievement and the Minister of State for Multiculturalism and Citizenship award for excellence in Race Relations.

#### CLIVE A. BALLENTINE

A full-time Member of the Board representing labour since 1979, Mr. Ballentine has been a member of the Bricklayers Union (Local 2) since 1947. During that time he has held various offices in Local 2, including President from 1958 to 1959. In 1964 Mr. Ballentine was elected the Business Agent of Local 2, and in 1968 became the Business Representative of the Toronto Building and Construction Trades Council. In 1974 he assumed the post of Manager and Financial Secretary of the Council and held that position until his appointment to the Board. Mr. Ballentine is also a past executive Member of the Labour Council of Metropolitan Toronto and was its Vice-President between 1975 and 1977. He has served on the Ontario Construction Industry Review Panel and the Ontario Premier's Advisory Committee for an Economic Future.

#### WILLIAM A. CORRELL

A graduate of McMaster University (B.A. 1949), Mr. Correll was appointed in January, 1985, as a part-time Board Member representing management. In January 1988 he was appointed a full-time member of the Board. He joined the Board with an impressive background in the personnel field. Having held responsible personnel positions at Stelco, Atomic Energy of Canada Limited and DeHavilland Aircraft of Canada Limited for a number of years, Mr. Correll joined Inco Limited in 1971. After serving as that company's Assistant Vice-President and Director of Industrial Relations, in 1977 Mr. Correll became Vice-President of Inco Metals Company. He was later appointed Vice-President, Inco Ltd. and retired in 1985. He has lectured on personnel and management subjects at community college and university level and has conducted seminars for various management groups. He is active as management representative on boards of arbitration and on various management organizations.

#### KAREN S. DAVIES

Ms. Karen S. Davies was appointed a full-time Board member representing labour in July 1988. She has been a member of the Canadian Auto Workers for many years and has held numerous positions within the union. In 1981 she was elected Chairperson of the Technical Office and Professional Employees bargaining unit. She was responsible for matters such as negotiations, grievances, and arbitrations. Ms. Davies was elected President of Local 673 in 1987, representing technical, office and professional employees of Boeing Canada Ltd., McDonnell Douglas Canada Ltd., Spar Aerospace and Green Shield Prepaid Services. Ms. Davies has also been active in various labour organizations such as the Ontario Federation of Labour and the Labour Community Services of Metropolitan Toronto.

#### ANDRE ROLAND FOUCAULT

Mr. Foucault was appointed a part-time Board Member representing labour in January, 1986. A member of the Canadian Paperworkers Union since 1967, he has held several elected positions within this Union. In 1976, he was appointed to the position of Programmes Co-ordinator of the Ontario Federation of Labour. In February, 1982, Mr. Foucault joined the staff of the



Canadian Paperworkers Union as a National Representative in which capacity he has served since that time.

#### W. NEIL FRASER

Prior to being appointed a full-time Board Member representing management on January 1, 1988, Mr. Fraser was executive director of the Canadian, Ontario and Metro Toronto Masonry Contractors Associations. He served as employer spokesman in province-wide collective bargaining for the Bricklayer and Mason Tender Agreements. He represented the masonry industry on a number of technical committees for building code and technical standards. He is a past president, Toronto Chapter Institute of Association Executives. He is active in the Scottish Community, serving as Canadian Commissioner of the Clan Fraser Society of North America and on the Executive of the Clans and Scottish Societies of Canada.

#### WILLIAM GIBSON

Prior to being appointed a full-time Board Member representing management in November 1987, Mr. Gibson was Vice-President Industrial Relations for Robert-McAlpine Ltd., a position he had held since 1976. From 1946 to 1976 Mr. Gibson held various other administrative positions in the McAlpine group of companies. He has been Chairman or President of many major Contractors Associations, through which he has been actively involved in the negotiation and administration of collective agreements at the local, provincial and national levels. He was a part-time Board Member representing management from 1978-1984.

#### PAT V. GRASSO

Appointed a part-time member of the Board representing labour in December, 1982, Mr. Grasso has been active in the labour movement in Ontario for many years. Having held various offices in District 50 of the United Mine Workers of America, he was appointed Staff Representative in 1958, and Assistant to the Regional Director for Ontario in 1965. In 1969, Mr. Grasso became the Regional Director for Ontario and was elected to the International Executive Board. When District 50 merged with the United Steelworkers of America in 1972, he became Staff Representative of the Steelworkers in charge of organizing in the Toronto area. In January 1982, Mr. Grasso was transferred to the District office and appointed District Representative directing the Union's organizing efforts in Ontario. In June 1988 he was appointed a full-time member of the Board.

#### ALBERT HERSHKOVITZ

Prior to being appointed a part-time Board Member representing labour in September, 1986, Mr. Hershkovitz served as business agent for the Fur, Leather, Shoe and Allied Workers' Union and the Amalgamated Meat Cutters and Butcher Workmen. He has been President of the Ontario Council-Canadian Food and Allied Workers, Vice-President of the Ontario Federation of Labour and Chairman of the Metro Labour Council, Municipal Committee. As well as being Chairman of the Ontario Jewish Labour Committee and Vice-Chairman of the Urban Alliance for Race Relations, Mr. Hershkovitz has served as a member of the Board of Referees of the Unemployment Insurance Commission.

#### MAXINE A. JONES

A community college teacher of English and Political Science, Ms. Jones was appointed a part-time Board Member representing labour in April 1987. Ms. Jones holds Bachelor degrees in Journalism and Political Science, a graduate degree in the latter, and has completed all but her dissertation for her doctorate. Her union experience is extensive and includes being the most

senior member of the Ontario Public Service Union's Provincial Board. In addition, she has extensive grievance arbitration experience in her home city, Windsor. Also in Windsor, Ms. Jones is a member of a number of community agency boards, including the Windsor Occupational Safety and Health Board, and has served in several City Council appointed positions.

#### FRANK KELLY

Mr. Kelly was appointed a part-time Board member representing labour in April, 1989. After completing his labour studies, he joined the International Brotherhood of Boilermakers, of which he has been a member for more than 40 years. Mr. Kelly has been a member of the Union's Executive Board since 1956, and has served as Business Representative for many years.

#### JOSEPH F. KENNEDY

Mr. Kennedy is the Business Manager of the International Union of Operating Engineers, Local 793, having served as Treasurer before becoming Business Manager. He has been instrumental in establishing a compulsory training program for hoisting engineers in the Province of Ontario. Mr. Kennedy is a Trustee for the Pension and Benefit Plans of Local 793, as well as a Trustee for the General Pension Plan of the International Union of Operating Engineers in Washington, D.C. He is a member of the National Safety Council, Chicago, Illinois, a member of the Construction Industry Advisory Board for the Province of Ontario, a Director of the Ontario Building Industry Development Board and, since May, 1983, he has been a part-time member of the Ontario Labour Relations Board representing labour.

#### HANK KOBRYN

A member of the Iron Workers' Union since 1948, Mr. Kobryn was the President of Local 700 of that Union from 1951 to 1953. Thereafter, for 16 years, Mr. Kobryn held the post of Business Agent of the Iron Workers' Local 700 in Windsor. Among the many other offices Mr. Kobryn has held are: Vice-President of the Provincial Building and Construction Trades Council of Ontario 1958-1962; Secretary Treasurer of the same council, 1962-1980; Member of the Labour-Management Provincial Safety Committee; Member of the Labour-Management Arbitration Commission; Member of the Construction Industry Review Panel; and member of the Advisory Council on Occupational Health and Safety. In December, 1980, Mr. Kobryn was appointed a full-time Board Member representing labour.

#### JOHN KURCHAK

In February 1989 Mr. Kurchak was appointed a part-time Board Member representing labour. A member of the Sheet Metal Workers' International Association for many years, he held the positions of business agent and business manager for Local 285. Mr. Kurchak also served as a business representative with the Toronto-Central Building and Construction Trades Council. Coupled with his activities in the Solar Energy Society, he was an active member of the Conservation, Energy and Pollution Control Committee of the Ontario Federation of Labour.

#### JAMES LEAR

Prior to his appointment in October 1988 as a part-time Board member, Jim Lear was a Corporate Manager with the George Wimpey Canada Group, responsible for salaried personnel employment practices and benefits, insurances, construction equipment/transport acquisitions and disposals, and all administrative systems and procedures throughout the Canadian divisions and construction projects of the company. He is a past president of the Construction Safety Association of Ontario, and a former member of the Policy Review Board of the Workers' Compensation Board of Ontario.

### DONALD A. MACDONALD

Prior to being appointed a full-time Board Member representing management in July, 1986, Mr. MacDonald was active in personnel management at Brown & Root Ltd. from 1957 to 1968 and at Lummus Canada from 1968-1981. From 1981 until his appointment at the Board, Mr. MacDonald was President of the Boilermaker Contractors' Association where he was responsible for negotiations, contract administration and liaison with other trade associations. Other activities include Chairman of the Industrial Contractors Association National Committee and Director of the Electrical Power Systems Construction Association.

### WILLIAM JOHN (JACK) MCCARRON

Apprenticed in the plumbing trade commencing in 1947, Mr. McCarron currently holds a certificate of Qualification Plumber, Certificate of Qualification Steamfitter and Master Plumber License. He worked for English & Mould Mechanical Contractor for fourteen years, eight years as Contracts Manager and Vice-President. He is currently working for the Mechanical Contractors Association of Toronto as its Labour Relations Director, a post held for fifteen years. He is a member of many construction management organizations and also has been the chairman of provincial bargaining for the Mechanical Contractors Association of Ontario since 1980. He has been re-elected for the 1990 round of bargaining. Mr. McCarron was appointed a part-time Board member representing management in February 1989.

### CAROLINE M. (CURRIE) MCDONALD

Ms. McDonald was appointed a full-time Board Member representing labour in July, 1988. Ms. McDonald came to the Board with many years in the labour relations field, primarily with the Retail, Wholesale Department Store Union. Most recently she was the union's business agent for Eastern Ontario, through which she was responsible for the handling of grievances, arbitrations, contract negotiations and labour disputes. Ms. McDonald was Organizer/Co-ordinator of the Department Store Organizing Campaigns, where she was responsible for labour relations matters relevant to organizing in Ontario. Ms. McDonald has been active in the Ontario Federation of Labour and the Metropolitan Toronto and Eastern Ontario Labour Council.

### ROBERT D. McMURDO

Since April of 1984, Mr. McMurdo has served as a part-time Board Member representing management. An honours graduate in business administration (1953) from the University of Western Ontario, Mr. McMurdo has held many industry related offices including: President of the London & District Construction Association, President of the Construction Safety Association of Ontario and President of the Ontario General Contractors Association. He is the President of McKay-Cocker Construction Limited and McKay-Cocker Structures Limited of London and is currently a member of the Ministry of Labour Construction Industry Advisory Board.

### TERRY MEAGHER

Mr. Meagher was appointed a part-time Board Member representing labour in October, 1985. From 1970 to 1984, Mr. Meagher served as Secretary Treasurer of the Ontario Federation of Labour. Prior to that he has held the positions of Business Agent, Local 280 of the Beverage Dispensers and Bartenders Union and Executive Secretary to the Labour Council of Metropolitan Toronto. He has also served as Vice-Chairman of the Canadian Labour Congress, Human Rights Committee and member of the Canadian Labour Congress International Affairs Committee.



## RENE R. MONTAGUE

In March of 1986 Mr. Montague was appointed a full-time Board Member representing labour. A member of the United Auto Workers (now Canadian Auto Workers) for many years, Mr. Montague maintained many responsible positions in the union, including plant chairperson of Northern Telecom. He has extensive arbitration and bargaining experience. In 1985 Mr. Montague was elected to the Executive Committee of the United Way of Greater London and was a member of the Board of Directors and Campaign Committee of the United Way.

## JOHN W. MURRAY

In August of 1981, Mr. Murray was appointed as a part-time member of the Board representing management. Mr. Murray earned a B.A. degree in Maths and Physics as well as an M.A. degree from the University of Western Ontario. Having served as a Lieutenant with the Royal Canadian Navy during the Second World War, he commenced a career in sales in 1946. He joined the Purchasing Department of John Labatt Ltd. in 1956, becoming Director of Purchasing in 1957. He subsequently held a number of Senior Management positions in the Labatt Group of companies in several parts of the country. He was a vice-president of Labatt Brewing Company for several years before his retirement in January 1982.

## WILLIAM S. O'NEILL

In March, 1986 Mr. O'Neill was appointed a part-time Board Member representing management. Since 1969 Mr. O'Neill has held many responsible positions with Ontario Hydro, including Senior Construction Labour Relations Officer and Manager of Construction Labour Relations. He is a past Secretary-Treasurer of the Electrical Power Systems Construction Association and is currently its General Manager. He is also a director at large of the Construction Owners Council of Ontario.

## DAVID A. PATTERSON

Mr. Patterson was appointed a full-time Board Member representing labour in April, 1986. A member of the United Steelworkers of America for many years, he was elected President of Local 6500 in 1976 and re-elected 1979. In 1981 Mr. Patterson ran and was elected Director, District 6 of the United Steelworkers of America. He served in that position until March 1986. He was elected Vice-President at large at the 1982 CLC convention and re-elected to that position in 1984. He has served as Chairman of the Safety and Health Convention Committee (CLC) as well as a member of the Board of Directors of the Mine Accident Prevention Association of Ontario. He was a member of the Ontario Labour Management Study Group.

## HUGH PEACOCK

Mr. Peacock was appointed a full-time Board Member representing labour in November, 1986. Prior to joining the Board Mr. Peacock was Legislative Representative for the Ontario Federation of Labour which enabled him to gain broad knowledge of the legislative and political process in Ontario as well as its labour relations system. He came to the OFL after having been the Woodworkers' Education and Research Representative (1960-1961), worked in the UAW Canada Research Department (1962-1967), and having been a negotiator for the Toronto Newspaper Guild (1972-1976). Mr. Peacock was a member of the Ontario Parliament, representing Windsor West (NDP) from 1967 to 1971. He is currently a member of various social and community organizations.

### ROSS W. PIRRIE

Mr. Pirrie was appointed a part-time Board Member representing management in January, 1985 and a full-time Board Member in May 1988. Having been employed by Canadian National Railways for ten years, in 1960 he joined Shell Canada Limited. At Shell Canada, Mr. Pirrie held a wide range of managerial positions in general management, occupational health, human resources and on retiring in 1984 was corporate manager of labour relations. Mr. Pirrie holds the degree of B.A. (Psychology) from the University of Toronto.

### JOHN REDSHAW

Mr. Redshaw was appointed a full-time Board Member representing labour in July, 1986. From 1966 to 1971 he served as business representative for Local 793, International Union of Operating Engineers. He was area supervisor for Hamilton, St. Catharines and Kitchener, a position which included organizing and negotiation of all collective agreements in the construction industry. From 1979 until his appointment to the Board, Mr. Redshaw worked in the Union's Labour Relations Department, first in Toronto and then Cambridge. He has been Secretary-Treasurer of the Canadian Conference of Operating Engineers and Secretary of the Waterloo, Wellington, Dufferin, Grey, Building Trades Council.

### KENNETH V. ROGERS

Mr. Rogers was appointed in August, 1984, as a part-time Board Member representing labour. From 1967 to 1976, he was a representative with the International Chemical Workers Union and served as Secretary-Treasurer of the Canadian Chemical Workers Union from 1976 to 1980. When the Energy and Chemical Workers Union was founded in 1980, Mr. Rogers became its Ontario Co-ordinator and remained in the position until 1988. He is a former Vice-President of the Ontario Federation of Labour. Mr. Rogers is currently employed as Director of Regional Sectoral Services with the Workers Health and Safety Centre.

### JAMES A. RONSON

Mr. Ronson was appointed a full-time Member of the Board representing management in August of 1979. He graduated from the University of Toronto with a B.A.Sc. in 1965 and an LL.B. in 1968. After his call to the Bar, Mr. Ronson practised law in Toronto. During his practice he served on numerous boards of arbitration as employer nominee.

### MICHAEL A. ROSS

Mr. Ross was appointed as a part-time Board Member on the labour side in February, 1980. Mr. Ross, who has studied economics and political science at Laurentian University, has been the Business Manager of the Labourers' International Union of North America, Local 493 for the past 12 years. He has held the position of Secretary of the Sudbury and District Building & Construction Trades Council for four years and has been President of the Council for two years. He is presently serving his second four-year term as Vice-President of the Ontario District Council of the Labourers' Union and is in his second year as a Director on the Board of the Sudbury Regional Development Corporation.

### MARY ROZENBERG

Ms. Rozenberg was appointed a full-time Board Member representing management in May 1988. She joins the Board with an extensive background in the labour relations field which includes advising senior levels of management on labour relations matters; negotiating collective agreements; the interpretation, application and administration of various collective agreements; the

research, preparation and presentation of grievances at arbitration; and designing, implementing and teaching labour relations programs in grievance handling, arbitration, discipline, attendance, management and labour relations for supervisors.

#### JUDITH A. RUNDLE

Ms. Rundle was appointed a full-time Board Member representing management in July, 1986. She joined the Board with an impressive background in the personnel field. After the University of Toronto, Ms. Rundle held responsible personnel positions at Toronto General Hospital and National Trust Company. Ms. Rundle joined the Riverdale Hospital in 1979, first as Assistant to the Director of Personnel and subsequently as Assistant Administrator of Human Resources. From January 1986 until her arrival at the Board, Ms. Rundle was employed as Acting Director of Personnel and Labour Relations at Toronto General Hospital. She was active as management representative on boards of arbitration and has been a member of various management organizations.

#### GORDON O. SHAMANSKI

A graduate of the University of Chicago (B.A.), Mr. Shamanski was appointed a full-time Board Member representing management in July, 1986. He joined the Board with an impressive background in the personnel field, having been Personnel Manager at Rothmans of Pall Mall Canada Ltd., 1963-1970, and at Canadian Motor Industries Holdings Limited, 1970-1971. From 1972 to 1985 Mr. Shamanski was Corporate Director of Personnel and Industrial Relations at Domglas Inc. where he was responsible for labour contract negotiations, labour board hearings, compensation and benefits design, health and safety, management development and training, and staff recruitment. He has lectured in industrial relations and is a member of various management organizations.

#### ROBERT M. SLOAN

Prior to being appointed a full-time Board Member representing management in November, 1986, Mr. Sloan was employed by Alcan as Corporate Industrial Relations Manager and Occupational Health and Safety Co-ordinator. In this capacity Mr. Sloan, a graduate of Sir George Williams University (B.A.) was directly involved in all phases of the personnel and labour relations scene including representation in various management organizations.

#### E.G. (TED) THEOBALD

Mr. Theobald was appointed as a part-time Board Member representing labour in December, 1982. From 1976 to June, 1982, he was an elected member of the Board of Directors of O.P.S.E.U., and during this period served a term as Vice-President. A long time political and union activist, Mr. Theobald has served as President and Chief Steward of a 600 member local union. He has served on numerous union committees and has either drafted or directly contributed to several labour relations related reports. He is experienced in grievance procedure and arbitration.

#### JANET TRIM

Appointed a part-time Board Member representing management in May, 1987, Ms. Trim comes to the Board with many years of experience in construction labour relations. Representing the General Contractors, she has been a member of negotiating committees formed to bargain provincial collective agreements. She served for several years as a management trustee on a Welfare and Pension Trust Fund and currently serves as a management trustee on a Apprenticeship Trust Fund and is a member of a Local Apprenticeship Committee.



### MIKE VUKOBRAT

Mr. Vukobrat was appointed on January 31, 1990, as a part-time Board Member representing management. He has been in the Electrical Construction Industry for 36 years, the last 25 as an Electrical Contractor (power Line Construction Ltd.). In December of 1989, he retired from the organization and his position as President. He has served as a Director of the Electrical Contractors Association of Ontario from 1973 to 1989, was President 1979-1981 and Chairman of the Electrical Trade Bargaining Agency 1985-1986. He served on every negotiating committee, since Provincial Bargaining came into effect. Mr. Vukobrat also served as a Director of the Electrical power Systems Construction Association from 1981 to 1989 and served on their negotiating committees. He is immediate Past Chairman of the Construction Employers Coordinating Council of Ontario and is presently Executive Director of that organization.

### STEVE WESLAK

Mr. Steve Weslak was appointed a part-time Board Member representing labour in September, 1988. A member of the International Brotherhood of Electrical Workers for over 40 years, he has served on various boards and committees. He was a member of the Executive Board of Local 353 for 12 years, and served for three years as the Board's Chairman. In 1965 Mr. Weslak was hired as an organizer for the IBEW, and he later served as Assistant Business Manager and then as Financial Secretary before his retirement in 1981. He also served on a provincial apprenticeship advisory board for four years.

### W.H. (BILL) WIGHTMAN

Mr. Wightman was first appointed to the Board in 1968, becoming a full-time member in 1977, and resigned from the Board in April 1979, in order to serve as a member of the 31st Parliament of Canada and Parliamentary Secretary to the Minister of Labour. He was re-appointed as a full-time Board Member representing management in May, 1981. Following 12 years as an industrial relations specialist in the petro-chemical, food processing and health care industries in the U.S. and Canada, he became Director of Industrial Relations for the Canadian Manufacturers' Association from 1966 to 1977. Concurrently, he served as the Canadian Employer Delegate and Technical Advisor to the International Labour Organization in Geneva and the Organization for Economic Co-operation and Development in Paris, and as a member of the Canada Manpower and Immigration Council, the Unemployment Insurance Advisory Committee and the Attorney-General's Committee on Prison Industries. He is a graduate of Clarkson University (BBA '50) and Columbia University (MS '54).

### NORMAN A. WILSON

Mr. Wilson was appointed a part-time Board Member representing labour in 1979. A member of Local 721 of the Iron Workers since 1949, he became its Business Agent in 1955. Later, in 1958, he was appointed General Organizer for the International Union, covering Quebec and the Maritime Provinces. Eventually this assignment was enlarged to include the western provinces and Ontario. In 1968, Mr. Wilson became the Executive Director of the Canadian Operations of the Union. Mr. Wilson has been an active participant in a number of Provincial Building Trade Councils. He participated in the formation of, and later became a member of, the Construction Industry Review Panel of Ontario and has acted as Co-Chairman of that Panel.

### DANIEL WOZNIAK

Mr. Wozniak was appointed a part-time Board Member representing management in March, 1987. A graduate of the University of Manitoba (B.A.) and the Manitoba Law School (LL.B.), Mr. Wozniak has held various personnel-related positions. He started his business career with

DuPont of Canada Ltd. where he held various positions in the employee relations department. In 1960, he joined Standard Brands Limited (now known as Nabisco Brands Ltd.) in Montreal and was promoted to the position of Vice-President, Personnel and Industrial Relations. In 1976 he joined Canada Wire and Cable Ltd. in Toronto where he held the position of Vice-President, Personnel and Industrial Relations until his retirement in 1987. A member of various management organizations, Mr. Wozniak served as the Deputy Employer's representative to the 72nd ILO Convention in Geneva (1986).

## V COURT ACTIVITY

During the year under review, the courts dealt with ten applications for judicial review. Nine of these applications were dismissed, and leave to appeal was sought and denied in two cases. One application for judicial review was granted, and leave to appeal was sought and obtained, and the appeal is pending as at year-end.

One application for a stay of the Board's decision pending the hearing of the application for judicial review was denied. Another was dismissed by the Registrar of the Divisional Court for delay.

A case was stated to the Divisional Court, resulting in a finding of contempt. Leave to appeal was sought and denied.

In five applications which were dismissed in previous years, applications for leave to appeal were heard. Four of these were denied and one was granted.

Two appeals of dismissals of applications for judicial review were heard and dismissed by the Court of Appeal. In one of these, leave to appeal to the Supreme Court of Canada has been granted.

The Supreme Court of Canada heard and dismissed one appeal.

Sixteen other applications for judicial review are pending as at year end. Two appeals, one to the Court of Appeal and one to the Supreme Court of Canada are also pending.

### *Bay Towers Homes*

**Supreme Court of Ontario, Divisional Court**

**May 31, 1989; [1989] OLRB Rep. June 695**

The Carpenters complained that the Labourers had induced various corporations to sign voluntary recognition agreements by illegally picketing the work site.

The Labourers were negotiating collective agreements which would bind five companies, notwithstanding that only one of the five companies was unionized, and were seeking to have a 'no subcontracting' clause included in these collective agreements. The companies had agreed to include such a clause, but the negotiations broke down over the issue of an exemption period. The Labourers then picketed a work site where the four non-unionized companies were building homes, and five collective agreements were subsequently signed.

The Carpenters then brought an illegal strike application and also requested that the Board declare the five collective agreements to be invalid. They argued that the illegal strike resulted in the signing of these agreements and that the 'no sub-contracting' clauses contained in these agreements resulted in the Carpenters losing work.

The Board found that the Labourers had engaged in an illegal strike and made a declaration to that effect. However, the Board refused to nullify the collective agreements or the 'no sub-contracting' clauses contained within those agreements. The Board held that the bargaining rights of the Carpenters had not been affected by the picketing nor had their representation rights as the



exclusive bargaining agents of the employees of the subcontractor been dissolved. As well, the employers had not appeared at the proceedings and had not complained about the agreements.

The Board held that a union may obtain collective agreements that preclude other unions from obtaining work from an employer, and that the five companies would have signed the collective agreements notwithstanding the illegal picketing.

A request that the Board's decision be reconsidered by providing reasons for rulings made during the hearing was denied, as the rulings had no bearing on the final decision.

The Carpenters sought judicial review on the grounds that the Board denied natural justice by refusing to allow evidence on an essential issue, and erred in failing to grant a meaningful remedy.

The Divisional Court, in a decision dated May 31, 1989, dismissed the application for judicial review. The Court held that the Board had committed no jurisdictional error or denial of natural justice.

***Cadillac Fairview Corporation Limited (T. Eaton Company)***

**Ontario Court of Appeal**

**December 20, 1989; 71 O.R. (2d) 206; 18 A.C.W.S. (3d) 927; [1989] OLRB Rep. December 1292**

The union had complained that Eaton's and Cadillac Fairview, acting on behalf of its tenant Eaton's, had interfered with the union by denying union organizers access to Cadillac Fairview property just outside the Eaton's store.

The Board noted that Cadillac Fairview's conduct had clearly interfered with the trade union, and the issue was therefore whether Cadillac Fairview was acting on behalf of Eaton's. The Board considered numerous factors including the fact that Eaton's was Cadillac Fairview's prime tenant and Cadillac Fairview had no business justification of its own for its actions, and concluded that Cadillac Fairview was in fact acting on behalf of Eaton's and therefore had violated the *Labour Relations Act*. The Board ordered Cadillac Fairview to allow employees orderly access to union organizers on its property.

Cadillac Fairview sought judicial review of the Board's decision on the grounds that the Board made numerous errors in finding that Cadillac Fairview was "acting on behalf of" Eaton's and exceeded its jurisdiction by awarding a remedy which abrogated Cadillac Fairview's rights under the *Trespass to Property Act*.

In its decision dated November 30, 1987, the Court held that the Board's findings that Cadillac Fairview was acting on behalf of Eaton's and had the requisite intent to commit an unfair labour practice were not patently unreasonable. The Court also rejected Cadillac Fairview's argument that the remedy awarded by the Board was beyond its jurisdiction. The application for judicial review was accordingly dismissed.

Cadillac Fairview sought and obtained on February 29, 1988 leave to appeal the Divisional Court decision to the Court of Appeal.

The Court of Appeal, in its decision dated December 20, 1989, upheld the Divisional Court and dismissed the appeal. The Court held that the Board's findings that the rights afforded Cadillac Fairview pursuant to the *Trespass to Property Act* were not absolute and must be balanced with the rights afforded the union pursuant to the *Labour Relations Act* and that Cadillac Fairview had acted on behalf of Eaton's were not patently unreasonable.

***Consolidated Bathurst Packaging Ltd.***  
**Supreme Court of Canada,**  
**March 15, 1990, 90 CLLC ¶ 14007; [1990] OLRB Rep. March 369**

The Board had issued a decision wherein it found that Consolidated Bathurst had violated section 15 of the *Labour Relations Act* by failing to bargain in good faith.

Consolidated Bathurst sought reconsideration by the Board of its decision on the ground that the Board had violated the principles of natural justice in that the panel which had heard the complaint had discussed a draft decision with the other members of the Board at a Full Board meeting. When the reconsideration was denied, Consolidated Bathurst applied for judicial review on the same ground.

The majority of the Divisional Court held in May 1985 that the Board's actions violated the fundamental principle that 'he who hears must decide'. The Court expressed concern that persons at the Full Board meeting who had not heard the case might have participated in the decision or at least have been seen to have done so. It therefore quashed the decision with costs against the Board and remitted the matter to the Board for its reconsideration.

Dissenting from the majority, one judge held that it was appropriate and even desirable for such discussions to take place as long as no one participated in the final decision except the panel who had heard the case. He would have dismissed the application.

The Board and the union sought and obtained leave to appeal in June, 1985.

In its judgement dated September 4, 1986 the Court of Appeal, adopting the reasoning of the dissenting judge of the Divisional Court, noted that it was important that Board panels consider the effect of their decisions upon the labour relations community, and that as part of their research on that issue, they ought to consult with other expert Board members. The Court held that such consultations are appropriate provided that if any new evidence was put forward or new ideas were raised, the parties would be recalled and allowed to give further submissions and provided that the final decision was made by only the panel which had heard the case. The Court of Appeal therefore overturned the Divisional Court majority decision and dismissed the judicial review application.

Consolidated Bathurst brought an application for leave to appeal to the Supreme Court of Canada, which was granted on March 26, 1987.

The Supreme Court of Canada, in its decision dated March 15, 1990, upheld the Court of Appeal decision by a majority of five to two. The majority held that full Board meetings allow the Board, when considering important policy issues, to benefit from the diverse experience of all its adjudicators and to ensure that conflicting results are not inadvertently reached in similar cases. As long as only the panel which heard the case decides it, a full Board meeting is simply a legitimate means of consultation with colleagues. Similarly, these meetings do not breach the right to be heard, provided that factual issues are not discussed, and that parties are given an opportunity to respond to any new legal or policy issues which arise. The majority noted that the rules of natural justice must reconcile the characteristics of specialized tribunals with the rights of the parties, and concluded that the balance achieved by the Board's procedure at full Board meetings is consistent with the purpose of the rules of natural justice.

***Cuddy Chicks*****Ontario Court of Appeal,****September 8, 1989; 70 O.R. (2d) 179; 89 CLLC ¶14,051; 17 A.C.W.S. (3d) 170; 39 Admin. L.R. 48 [1989] OLRB Rep. September 989**

The union applied for certification of employees at the employer's hatchery. The employer asserted in reply that the employees were employed in agriculture and therefore not covered by the *Labour Relations Act* by virtue of section 2(b). The union responded that the agricultural exemption is contrary to the Charter and should therefore not be applied in any event. The employer then objected that the Board had no jurisdiction to consider the union's Charter argument.

The Board in its oral decision of April 28, 1988, with written reasons issued May 6, 1988, held first that the employees were employed in agriculture. The majority of the Board went on to decide that the Board does have jurisdiction to apply the Charter in proceedings before it by virtue of its obligation under section 52 of the Charter to apply the *Labour Relations Act* in a manner consistent with the Charter and by virtue of its being a 'court of competent jurisdiction' within the meaning of section 24(1) of the Charter with respect to matters before it.

The employer sought judicial review of the Board's decision that it has jurisdiction to apply the Charter on the grounds that the Board is not a court of competent jurisdiction under section 24(1) and that section 52 is not an independent source of jurisdiction.

The Divisional Court, in its decision dated November 2, 1988, held that the Board was correct in holding that it has jurisdiction to apply the Charter. The Court held that the Board is a court of competent jurisdiction under section 24(1) with respect to matters before it, and has jurisdiction to apply the Charter by virtue of section 52 and by virtue of the Board's common law duty to apply statutes to proceedings before it. The application for judicial review was therefore dismissed.

Cuddy Chicks sought leave to appeal which was granted by the Court of Appeal on January 16, 1989.

The appeal was dismissed by the majority of the Court of Appeal in its decision dated September 8, 1989. The majority held that the Board's obligation to determine all questions of fact or law before it includes an obligation to consider the supreme law of Canada, namely the Constitution and not to apply legislation which is unconstitutional. It was noted that no deference would be shown to the Board's decision on such an issue by the courts. One of the judges in the majority held that he need not determine whether the Board is a court of competent jurisdiction; the other agreed with the dissenting judge that it is not.

The Supreme Court of Canada has granted leave to appeal, and the appeal is pending as at year-end.

***Dellbrook Homes*****Ontario Court of Appeal****June 26, 1989; [1989] OLRB Rep. July 823**

The Carpenters Union complained that the Labourers Union had interfered with its rights and those of employees by negotiating collective agreements which contained clauses requiring home builders to subcontract carpentry work only to carpentry contractors who were in contractual relations with the Labourers, notwithstanding that they did not represent any carpenters employed



by the home builders. The Labourers and the employers responded that the complaints should be dismissed on the basis of delay and abuse of process.

The Board in its decision dated February 7, 1988 exercised its discretion to decline to enquire into the complaints and dismissed them. The Board found that the delay in bringing these complaints was unreasonable and that the other parties would be substantially prejudiced if the complaints were allowed to proceed.

The Carpenters sought judicial review of the Board's decision on the grounds that the Board had wrongfully declined jurisdiction and denied natural justice by refusing to enquire into the complaints. They alleged that the Board had also wrongfully exercised its discretion when it declined to enquire into a complaint that it had taken irrelevant considerations into account, found prejudice without any evidence in support and attributed responsibility for its own delay to the Carpenters.

The Divisional Court on March 13, 1989 dismissed the application for judicial review, finding that the Board had sufficient evidence before it and gave sufficient grounds in its decision for exercising its discretion not to hear the complaint.

The Court of Appeal, on June 26, 1989, dismissed a motion brought by the Carpenters requesting leave to appeal.

***Double S. Construction***

**Supreme Court of Ontario, Divisional Court  
May 16, 1989; [1989] OLRB Rep. June 696**

In a termination application, the respondent, the Labourers' District Council, asserted that because the collective agreement covered the whole province, all of its locals should also have been named as respondents. The Board found that all the locals were necessary parties, and that they had not been given adequate notice that the applicants were seeking to terminate their bargaining rights.

The Board initially ruled at the hearing that an adjournment was not appropriate and the application had to be dismissed. However, in accordance with section 106(1) of the *Labour Relations Act*, the Board reconsidered its oral decision and subsequently determined that in all the circumstances it ought to have amended the title to include the locals. The Board therefore reconsidered and revoked its decision to dismiss the application, and allowed the title to be amended.

The District Council and the locals then sought judicial review on the ground that they should have been given an opportunity to make submissions on the reconsideration application.

The Divisional Court, on May 16, 1989, dismissed the application for judicial review, noting that the result might have been different had the union offered any evidence of prejudice as a result of the reconsideration.

***Empress Graphics Inc.***

**Ontario Supreme Court, Divisional Court  
March 21, 1990; [1990] OLRB Rep. March 396**

An application was brought under section 92 of the *Labour Relations Act* alleging that employees of Empress Graphics Inc. ("Empress") had engaged in an unlawful strike. It was also alleged that officials of the respondent union, the Graphic Communications International Union, Local 500M had counselled, encouraged, procured or supported that strike contrary to sections 72, 74, and 76 of the Act.

The problem before the Board arose because of a labour dispute between a “sister” local union and another employer. The production of certain material which might have been done by the sister union and the other employer but for that labour dispute, was to be done by Empress. The employees, in the name of solidarity, engaged in “sympathetic job action” and refused to handle that struck work.

The collective agreement between Empress and the Union contained a clause that permitted the employees the right to refuse to handle struck work. The Board held that parties cannot negotiate a term in their collective agreement which effectively negates the “no-strike” clause which is required to be included by section 42 of the *Labour Relations Act*. The Board reiterated, in colloquial terms that “you cannot contract out of the Act”. The Board therefore declared that the union had called and engaged in an unlawful strike.

The union sought judicial review on the basis that the Board had made errors in law.

The Divisional Court was not persuaded that there was any error in the Board’s decision that would justify the Court’s intervention. Accordingly the Court dismissed the application on March 21, 1990.

***G.P. Construction***

**Supreme Court of Ontario, Divisional Court**

**June 27, 1989; [1989] OLRB Rep. June 696**

**Ontario Court of Appeal**

**Oct. 2, 1989; [1989] OLRB Rep. Oct. 1092**

The employer applied for judicial review, alleging that the Board had erred in its interpretation of the *Labour Relations Act* and had denied natural justice by giving G.P. Construction inadequate notice of the hearing.

The union moved for an order staying the judicial review pending the employer’s posting security for costs. The Divisional Court granted the order on April 10, 1989.

The Divisional Court, in a decision dated June 17, 1989, dismissed the application for judicial review. The Court held that the Board had had sufficient evidence to determine that the notice was adequate and did not make a reviewable error in its application of the Act.

The Court of Appeal on October 2, 1989 denied G.P Construction leave to appeal the Divisional Court’s decision.

***Great Lakes Fisheries and Allied Workers’ Union***

**Court of Appeal,**

**April 24, 1989**

**January 16, 1990; [1990] OLRB Rep. January 117**

The union had filed numerous applications for certification of fishermen working on boats. Nine of the employers named in the certification applications had then applied to Weekly Court for a determination of the constitutional validity of the Board’s considering the certification applications and for a declaration that the fishermen came within federal jurisdiction. On September 5, 1986 the court dismissed the application as premature, as the Board, with its expertise in labour relations, had not yet heard the evidence and ruled on the constitutional issue.

Meanwhile, the Board proceeded to consider the constitutional issue, which the employers had also raised in their replies to the certification applications. The Board decided that labour

relations respecting these fishing boat crews came within provincial jurisdiction and that therefore the Board had jurisdiction to hear the applications.

The nine employers then sought judicial review of the Board's decision on the ground that it had no jurisdiction to entertain the certification applications since labour relations respecting these fishermen came within federal jurisdiction.

The Divisional Court on November 23, 1988 ruled that the Board had been correct in its decision, and for the reasons it gave, and dismissed the application for judicial review.

The employers sought and obtained leave to appeal on April 24, 1990.

The Court of Appeal, in its decision dated January 16, 1990, dismissed the appeal.

***Hamilton Yellow Cab Company Limited***  
**Supreme Court of Ontario, Divisional Court**  
**July 10, 1989; [1989] OLRB Rep. July 824**

In this application for certification, the union sought to be certified for both owner-operators and helper-drivers, who drove owner-operators' cabs during off-hours. The union asserted that taxi 'owner-operators' working 'under the banner' of Hamilton Yellow Cab Company Limited were either employees or dependent contractors of Yellow. Yellow asserted that the owner-operators were independent contractors. After reviewing the relationship between Yellow and the owner-operators, the Board concluded that the alleged 'independence' of the owner-operators was largely illusory; they were fully integrated into the Yellow system and subject to its direct control. The Board found that the owner-operators could be properly characterized as dependent contractors of Yellow and thus "employees" for statutory purposes who are eligible for collective bargaining.

However, the Board held that separate bargaining units should be created for the dependent contractors and the helper-drivers. Section 6(5) of the Act states that dependent contractors may be included in a bargaining unit with other employees if the Board is satisfied that a majority of such dependent contractors wish to be included in the bargaining unit. The Board held that the structure of section 6 requires 'wishes' to be expressed in some positive way, and not by more silence, negative implication, or non-involvement. In this case, there was nothing on the face of the documentary or other evidence to suggest that the dependent contractors had expressed a wish to be included in a mixed bargaining unit with other employees. There was also some evidence that the fill-in drivers may have had a different community of collective bargaining interests from the full-time owner-operators.

The Board went on to consider the union's submissions that Yellow and a number of other named respondents were 'related employers'. On the basis of evidence presented at the hearing, it was held that Yellow and one of the respondents, Transportation Unlimited Inc., were related employers. However, there was virtually no evidence with respect to the other named respondents and the Board found no reason to include them in a related employer declaration.

The Board subsequently declined a request to exercise its discretion to direct the taking of a representation vote, and certified the union on the basis of the membership evidence.

Yellow requested that the Board reconsider its decisions on the basis that it had no jurisdiction to create two separate units and should have conducted a vote, and that the union could not represent both these bargaining units, as one was dependent on the other. The Board, in its decision dated February 22, 1989, refused the request for reconsideration.



Yellow then sought judicial review of the three Board decisions and a stay, alleging that the Board should have dismissed the application for a single mixed unit since there was no evidence of the wishes of the employees, and that the Board erred in finding that both groups were employees of Yellow.

On July 10, 1989 the Divisional Court heard and dismissed the application for a stay, having regard to the fact that no application for judicial review had been made until July 5, 1989.

The main application for judicial review was pending as at year end.

***Harbridge & Cross***

**Supreme Court of Ontario, Divisional Court**

**July 12, 1989**

**Court of Appeal,**

**October 16, 1989; [1989] OLRB Rep. October 1093**

The Ontario Council of Painters referred to the Board a grievance respecting a breach by the employer of the subcontracting clause in the provincial agreement.

The Painters claimed that they had obtained bargaining rights by virtue of a working agreement between the Toronto Building and Construction Trades Council and the employer. The Board found that the recognition clause in the working agreement was broad enough to include all affiliates, including the Painters, and therefore held that the Painters did have bargaining rights and the employer was bound by the provincial agreement. It went on to find that the employer had violated the clause in the provincial agreement which prohibited subcontracting.

The employer sought judicial review on the ground that the Board's interpretation of the working agreement was patently unreasonable.

The Divisional Court on July 12, 1989 dismissed the application for judicial review, as the Board had not given the working agreement an interpretation which was patently unreasonable.

The Court of Appeal, on October 16, 1989 denied Harbridge leave to appeal the Divisional Court's dismissal of its application for judicial review.

***Knob Hill Farms Limited; Donna Baydak***

**Supreme Court of Ontario, Divisional Court**

**May 30, 1988; 10 A.C.W.S. (3d) 221**

**Supreme Court of Ontario, Divisional Court**

**June 9, 1989; [1989] OLRB Rep. June 697**

The United Food and Commercial Workers Union ("UFCW") applied for certification for employees of Knob Hill. The union also alleged that the employer had interfered with the union and with employees' rights and intimidated employees by means of lay-offs and wage increases, and the union sought certification under section 8 of the *Labour Relations Act* on the basis that the employer's contraventions of the Act made it unlikely that the true wishes of the employees could be ascertained. The employer argued that section 89(5) of the Act, which places the burden of proof on the employer in such complaints, is contrary to the equality provisions of the Charter. A group of objecting employees, represented by Ms. Baydak, had filed a petition in opposition to the union.

The majority of the Board ruled that the reverse onus provisions of the Act do not violate the Charter, and in any event found, without relying on the reverse onus, that the employer had contravened the *Labour Relations Act*. The Board, having determined that it was not satisfied that

the petition was voluntary, determined that the union had adequate support and that the employer's contraventions had resulted in a situation in which the employee's wishes were not likely to be ascertained. The Board therefore determined that this was an appropriate case in which to certify the union pursuant to section 8, and ordered various remedies for the unfair labour practices. A request for reconsideration of this decision was denied by the same majority.

Both Knob Hill and Ms. Baydak (on behalf of the objecting employees) sought judicial review of the Board's decision, the former on the grounds of various errors of law and patently unreasonable decisions, and the latter on the grounds that the Board had denied natural justice by misleading Ms. Baydak as to the relevant evidence and issues and had erred in failing to find the reverse onus to be in violation of the Charter.

Knob Hill sought a stay of the Board's decision pending the disposition of the judicial review and requested that the two judicial reviews be heard together.

The Divisional Court on May 30, 1988 dismissed the application for a stay and directed that the two judicial reviews would be heard together. In its reasons issued June 6, 1988, the Court noted that there was no strong *prima facie* case in the judicial review application, as the issues raised were evidentiary matters within the Board's exclusive jurisdiction.

The Divisional Court dismissed both applications for judicial review on June 9, 1989. The Court found that there was evidence on which the Board could make the findings of fact that it did. Therefore the Board's decision to attach no weight to certain evidence was one that was not reviewable by the Court.

Ms. Baydak is seeking leave to appeal the Divisional Court's decision to the Court of Appeal.

### ***Douglas Lloyd***

**Supreme Court of Ontario, Divisional Court**

**March 9, 1989; 14 A.C.W.S. (3d) 192; [1989] OLRB Rep. March 316**

**Ontario Court of Appeal**

**June 5, 1989; [1989] OLRB Rep. June 698**

Douglas Lloyd complained that he had been penalized by the Ministry of Community and Social Services, contrary to section 24 of the *Occupational Health and Safety Act*, for acting in compliance with that Act. A youth services officer at a secured custody facility, he had refused to report to work at another location at the facility because he believed that he would be leaving the remaining employees in jeopardy due to understaffing. The employer had reprimanded him and withheld his pay for the balance of the shift not worked after the refusal.

The Board in its decision noted that by section 23(1)(c), section 23, including the right to refuse unsafe work, does not apply to persons employed in the operation of a correctional facility, and that therefore Mr. Lloyd could not rely on section 23 to refuse to work. The majority held that section 17, which prohibits a worker from working in a manner which might endanger himself or others, does not indirectly give a right to refuse an instruction. The majority also held that this was not an appropriate case in which to exercise its discretion under section 24(7) to substitute a different penalty. The complaint was therefore dismissed.

Mr. Lloyd sought judicial review of the Board's decision on the grounds that the Board erred in law and declined jurisdiction by finding that he was not protected by section 24 and exceeded its jurisdiction in its interpretation of the Act. He also alleged that section 23(1)(c), by which he was excluded from the application of the right to refuse work provisions, was contrary to the equality provisions of the Charter.

The Divisional Court on March 9, 1989 dismissed this application for judicial review. The Court found that the Board's interpretation of the legislation was not patently unreasonable. The Court also held that section 23(1)(c) does not infringe the equality provisions of the Charter. The section does not relate to personal characteristics and meets a legitimate government objective in any event. The Court explicitly left open the issue of whether it would as a general rule hear Charter issues not raised before the tribunal, noting that normally on such issues the Court requires a factual record from the tribunal.

A motion for leave to appeal the decision of the Divisional Court was dismissed by the Court of Appeal on June 6, 1989.

### *Ontario Hydro*

**Supreme Court of Ontario, Divisional Court**

**June 12, 1989**

**Reported at [1989] OLRB Rep. June 698;**

**89 CLLC ¶ 14,044; 69 O.R. (2nd) 268**

The Society of Ontario Hydro Professional and Administrative Employees (the 'Society') applied for certification for a unit of administrative, scientific and professional engineering employees of Ontario Hydro. The Coalition to Stop Certification of the Society (the 'Coalition'), which is composed of some employees opposed to the application, raised a constitutional issue as a bar to the certification of the bargaining unit the Society applied for. The argument was that there was a category of employees of Ontario Hydro, those who operate nuclear power stations, who come within federal jurisdiction by virtue of section 17 of the *Atomic Energy Control Act (AEC Act)*, which declared that nuclear facilities are works for the general advantage of Canada. The Board decided that there was such a category of employees who come within federal jurisdiction by operation of the *AEC Act* and section 92(10)(c) of the *Constitution Act, 1867*.

Ontario Hydro applied for judicial review on the grounds that the Board had made numerous errors in law. The Attorney General of Ontario and the Attorney General of Canada intervened. On June 12, 1989 the Divisional Court granted the application for judicial review, quashed the decision of the Board and ordered the Board to deal with the certification application.

The Court found that the *AEC Act* was inapplicable insofar as it purported to be a declaration placing Hydro's nuclear plants within federal jurisdiction. It decided that in pith and substance, the *AEC Act* deals with the health, safety and secrecy of nuclear energy. The core undertaking involved was the production and development of electricity, including the management of the facilities which was within provincial jurisdiction, pursuant to section 92A (enacted in 1982) of the *Constitution Act, 1867*. Labour relations is an integral part of the management of an undertaking which was accordingly within provincial jurisdiction. The Court determined that Parliament acted on a national concern and passed the *AEC Act* pursuant to the peace, order and good government provisions of the Constitution. Accordingly the general power of Parliament was to be read together with the specific head of provincial power, with the result that both the *AEC Act* and the *Ontario Labour Relations Act* could stand as they dealt with different aspects of the matter. Therefore the Court decided there was not a category of employees within federal jurisdiction.

At year end the Attorney General of Canada was seeking leave to appeal the decision of the Divisional Court.



***The Ontario Legal Aid Plan*****Supreme Court of Ontario; Divisional Court****January 19, 1990; 19 A.C.W.S. (3d) 65; [1990] OLRB Rep. January 118**

The Ontario Public Service Employees Union applied to the Board for a declaration under section 1(4) of the *Labour Relations Act* that the Ontario Legal Aid Plan (OLAP) was a common employer with three community legal clinics for whose employees it had bargaining rights.

The Board in its decision considered ‘whether OLAP [had] so involved itself in the affairs of the respondent clinics that to ensure meaningful collective bargaining the union should be able to negotiate with OLAP as well as the clinics’. The Board found that OLAP had intervened in the operation and management of the clinics, and declared OLAP and the clinics to be a single employer with respect to employees represented by the union for the purposes of the Act.

OLAP sought judicial review of the Board’s decision on the grounds that the Board had improperly declined to construe the regulation establishing and funding the respective clinics (Ontario Regulation 59/86 passed pursuant to the *Legal Aid Act*, R.S.O. 1980, c.234), or to consider funding regulations.

The Divisional Court on January 19, 1990 dismissed this application for judicial review, stating that the Board was under no obligation to interpret and apply legislation other than section 1(4) of the Act in the circumstances of this case. No jurisdictional error was found, as the Board’s mandate was to consider only the labour relations aspects of clinics and not the legal services aspects of their operations.

OLAP is seeking leave to appeal the Divisional Court’s decision to the Court of Appeal.

***Pinkerton’s of Canada Ltd.*****Supreme Court of Ontario, Divisional Court****17 A.C.W.S. (3d) 153; [1989] OLRB Rep. August 924**

The Canadian Guards Association (“CGA”) applied for certification of security guards employed by Pinkerton’s. The Guards Association is affiliated with the United Steelworkers of America. The employer argued that the Board could not certify the CGA because of section 12 of the *Labour Relations Act*, which prohibits the certification of a trade union which is affiliated with a union that admits to membership persons other than security guards. The union responded that section 12 violated the freedom of association provisions contained in section 2 of the *Charter of Rights and Freedoms*. The employer replied that the Board had no jurisdiction to hear the Charter argument, and requested an adjournment of the proceedings until the Ontario Court of Appeal had decided the jurisdiction of the Board to consider the Charter in *Re Cuddy Chicks Ltd. and O.L.R.B. et al.* At that time the Court of Appeal had heard the case and reserved its decision. The Board declined to adjourn, noting that the Divisional Court’s decision in *Cuddy Chicks* that the Board could hear Charter arguments stood as a statement of the law unless and until it was overturned.

Pinkerton’s brought an application for judicial review to the Divisional Court on the grounds that the Board should have adjourned the proceedings until the Court of Appeal had issued its decision in *Cuddy Chicks* and that it was denied natural justice in that it had not obtained adequate disclosure of the union’s case.

The Divisional Court dismissed the application on August 23, 1989. The Court held that the Board had not made a reviewable error by refusing to adjourn until a final disposition of *Cuddy Chicks* and that the disclosure argument was premature as it had not been put to the Board.

Pinkerton's is seeking leave to appeal the decision of the Divisional Court to the Court of Appeal.

***Plaza Fiberglas Manufacturing Limited***  
**Supreme Court of Ontario, Divisional Court**  
**May 1, 1989; 69 O.R. (2nd) 115; [1989] OLRB Rep. May 528**  
**Ontario Court of Appeal**  
**June 5, 1989; [1989] OLRB Rep. June 707**

The United Steelworkers of America had filed an application under section 93 of the *Labour Relations Act* alleging that Plaza Fiberglas Limited, Plaza Electro-Plating Ltd., Citron Automotive Industries and Sabina Citron unlawfully locked out the employees of Plaza Fiberglas. Ms. Citron, the principal of the companies as well as an individually named respondent, undertook to produce certain documents which had been the subject of a summons *duces tecum* by the union. Subsequently Ms. Citron refused to produce application forms, which revealed the addresses, telephone numbers and social insurance numbers of the persons making the applications. The Board had determined that the information was relevant and that the union was entitled to it.

The union requested that the Board state a case to the Divisional Court under section 13 of the *Statutory Powers Procedure Act* (the 'SPPA') with respect to the refusal to produce. The Board held that it should state a case and subsequently did so.

The union applied to have the stated case heard by the Divisional Court. In its decision dated March 31, 1989 the Court found that the witness had refused to produce documents without lawful excuse endorsed and gave her another opportunity to produce.

Ms. Citron applied for leave to appeal to the Court of Appeal the decision of the Divisional Court.

The Board meanwhile held a hearing on April 25, 1989 in compliance with the direction of the Divisional Court. Ms. Citron attended with counsel and again refused to produce the application forms in their entirety.

The union brought a motion to the Divisional Court to cite Ms. Citron for contempt on the basis she clearly had no lawful excuse to refuse to produce the documents before the Board. Three days before the motion was heard the witness produced the documents to the Board on the advice of counsel. Counsel for the witness argued that the contemnor, having purged her contempt, should not be convicted for contempt and that there was no act of public defiance, but rather a private dispute between a company and a union.

The Court in its decision of May 1, 1989 held that directions of the Board create a public interest. The Board issues its directions pursuant to the authority of the Legislature and those directions, in the absence of lawful excuse, must be complied with. The Court had found at the earlier hearing that the witness had acted without lawful excuse. The last-minute compliance with the Board order did not have the effect of rendering a prior act of disobedience a moot question. The Court also considered the effect of previous acts of disobedience, in particular the witness's past conduct and past relationship with the related companies and her union, which had earlier been before the courts in other proceedings. The Court concluded that the conduct of Ms. Citron constituted contempt notwithstanding her last-minute compliance.

With respect to the penalty, the Court noted that deterrence was considered to be of significant importance in assessing the appropriate sentence. The public interest requires compliance with the orders of the Ontario Labour Relations Board and it is important that those who wilfully

embark upon a course such as that taken by the witness in this case recognize that the penalty of imprisonment is alive and available to the Court. The Court imposed a sentence of 30 days in jail, and the sentence was suspended.

On June 5, 1989 the Court of Appeal dismissed the motion for leave to appeal made by Ms. Citron.

***The City of Sault Ste. Marie***  
**Supreme Court of Ontario, Divisional Court**  
**October 5, 1988; Unreported**  
**Ontario Court of Appeal**  
**April 3, 1989; Unreported**

The Labourers Union applied to be certified to represent employees of the city, and the Canadian Union of Public Employees and the Carpenters Union intervened. At the Board's hearing, no one appeared on behalf of the city.

The Board in its decision dated August 7, 1987 certified both the Labourers and the Carpenters pursuant to the construction industry provisions of the *Labour Relations Act*.

Counsel for the city subsequently requested that the Board conduct a hearing to reconsider its decision on the basis that he had failed to appear as he had erroneously assumed as a result of communications with the Board that there would be no hearing on the scheduled date. The Board received written submissions from the parties and in its decision of October 9, 1987 found that the city had received a notice of hearing and that counsel's failure to attend was due to his own unwarranted and false assumption. The Board declined to reconsider its earlier decision.

The city sought judicial review of the Board's decisions on the grounds that the Board made various errors of law and denied the city natural justice by proceeding in its absence and then refusing to hold a reconsideration hearing. It also alleged that sections 117 to 136 of the *Labour Relations Act* should not have been applied to a municipal corporation since that would result in the municipality being bound to a contract which might be inconsistent with the *Municipal Act*, and that furthermore these sections violate the equality provisions of the Charter.

The Divisional Court on October 5, 1988 dismissed the application for judicial review. The Court held that the bulk of the responsibility for counsel for the city's failure to appear at the hearing was his own, as he had wrongly assumed that the hearing dates had been changed. The Court was not satisfied that the two unions would not be prejudiced if the decisions were quashed, and so declined to exercise its discretion to grant the application.

The Court of Appeal denied the city leave to appeal the Divisional Court's decision, on April 3, 1989.

***The Board of Education for the City of Windsor***  
**Supreme Court of Ontario, Divisional Court**  
**January 25, 1989; [1989] OLRB Rep. February 231**  
**Ontario Court of Appeal**  
**May 15, 1989; [1989] OLRB Rep. June 707**

The Plumbers Union referred to the Board two construction industry grievances, alleging that the Windsor Board had violated the provincial agreement with respect to wages and non-union contracting-out. The employer responded that it was not bound by the provincial agreement because it was not an employer in the construction industry, because it contracted the work out as



an owner, and because the work was not construction work but maintenance work. In any event, if it was bound by the provincial agreement, the union was estopped from enforcing the provincial agreement because of a “gentlemen’s agreement” between it and the union that the union would set aside its contracting-out rights under the provincial agreement.

In its decision dated March 4, 1988, the majority of the Board found that the Windsor Board was an employer in the construction industry with respect to the work at issue in the grievances and was therefore bound to the provincial agreement. The “gentlemen’s agreement” which purported to set aside the provincial agreement’s provisions was found to be null and void pursuant to section 146(2) of the *Labour Relations Act* as being an “arrangement. . . other than a provincial agreement”, and the union was therefore not estopped from grieving the non-union contracting-out. The Board then dealt with the grievances, and found violations of the wage and contracting-out provisions of the provincial agreement.

The Windsor Board sought judicial review of the Board’s decision on the grounds, among others, that the Board erred in finding it to be an employer in the construction industry and in refusing to apply the doctrine of estoppel.

The Divisional Court, in its decision dated January 25, 1989, held that the Board’s findings were not unreasonable or for that matter wrong, and dismissed the application for judicial review.

The Windsor Board was refused leave to appeal the decision of the Divisional Court by the Court of Appeal on May 15, 1989.

## VI CASELOAD

In fiscal year 1989-90 the Board received a total of 3,287 applications and complaints, an increase of two percent over the intake of 3,225 cases in 1988-89. Of the three major categories of cases that are brought to the Board under the Act, applications for certification of trade unions as bargaining agents decreased by three percent over last year, contraventions of the Act increased by four percent and referrals of grievances under construction industry collective agreements increased by 19 percent. The total of all other types of cases decreased by 11 percent. (Tables 1 and 2.)

In addition to the cases received, 926 were carried over from the previous year for a total caseload of 4,213 in 1989-90. Of the total caseload, 2,685 or 64 percent, were disposed of during the year; proceedings in 493 were adjourned *sine die*\* (without a fixed date of further action) at the request of the parties; and 1,035 were pending in various stages of processing at March 31, 1990.

The total number of cases processed during the year produced an average workload of 281 cases for the Board's full-time chair and vice-chairs, and the total disposition represented an average output of 179 cases.

### Labour Relations Officer Activity

In 1989-90, the Board's labour relations officers were assigned a total of 2,263 cases to help the parties settle differences between them without the necessity of formal litigation before the Board. The assignments comprised 54 percent of the Board's total caseload, and included 543 certification applications, 31 cases concerning the status of individuals as employees under the Act, 749 complaints of alleged contravention of the Act, 876 grievances under construction industry collective agreements, 63 complaints under the *Occupational Health and Safety Act*, and one under the *Environmental Protection Act* (Table 3.)

The labour relations officers completed activity in 1,492 of the assignments, obtaining settlements in 1,374, or 92 percent. They referred 118 cases to the Board for decisions; proceedings were adjourned *sine die* in 335 cases; and settlement efforts were continuing in the remaining 436 cases at March 31, 1990. Labour relations officers were also successful in having hearings waived by the parties in 148 or 64 percent, of 233 certification applications assigned for this purpose.

### Representation Votes

In 1989-1990, the Board's returning officers conducted a total of 181 representation votes among employees in one or more bargaining units. Of the 181 votes conducted, 131 involved certification applications, 46 were held in applications for termination of existing bargaining rights, and four were taken in successor employer applications. (Table 5.)

Of the certification votes, 92 involved a single union on the ballot, and 39 involved two unions.

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\* The Board regards *sine die* cases as disposed of, although they are kept on docket for one year.

A total of 14,881 employees were eligible to vote in the 181 elections that were concluded, of whom 11,529 or 77 percent, cast ballots. Of those who participated, 49 percent voted in favour of union representation. In the 92 elections that involved a single union, 73 percent of the eligible voters cast ballots, with 48 percent of the participants voting for union representation.

In the 46 votes in applications for termination of bargaining rights, 91 percent of the eligible voters cast ballots, with only 25 percent of those who participated voting for the incumbent unions.

### **Last Offer Votes**

In addition to taking votes ordered in its cases, the Board's Registrar was requested by the Minister to conduct votes among employees on employers' last offer for settlement of a collective agreement dispute under section 40(1) of the Act. Although the Board is not responsible for the administration of votes under that section, the Board's Registrar and field staff are used to conduct these votes because of their expertise and experience in conducting representation votes under the Act.

Of the 17 requests dealt with by the Board during the fiscal year, votes were conducted in eight situations, and settlements were reached in nine cases before a vote was taken.

In the eight votes held, employees accepted the employer's offer in two cases by 151 votes in favour to 103 against, and rejected the offer in six cases by 1,143 votes against to 653 in favour.

### **Hearings**

The Board held a total of 1,075 hearings and continuation of hearings in 1,181 or 28 percent of the 4,213 cases processed during the fiscal year. This was a decrease of 16 sittings from the number held in 1988-89. Sixty-five of the hearings were conducted by a vice-chair sitting alone, compared with 141 in 1988-89.

### **Processing Time**

Table 7 provides statistics on the time taken by the Board to process the 2,685 cases disposed of in 1989-90. Information is shown separately for the three major categories of cases handled by the Board - certification applications, complaints of contravention of the Act, and referrals of grievances under construction industry collective agreements - and for the other categories combined.

A median of 47 days was taken to proceed from filing to disposition for 2,685 cases that were completed in 1989-90, compared with 43 days in 1988-89; certification applications were processed in a median of 40 days, compared with 36 days in 1988-89; complaints of contravention of the Act took 53 days, compared with 64 days in 1988-89; and referrals of construction industry grievances required 15 days, the same as in 1988-89. The median time for the total of all other cases decreased to 75 days from 85 in 1988-89.

Seventy percent of all dispositions were accomplished in 84 days (3 months) or less, compared with 78 percent for certification applications, 65 percent for complaints of contravention of the Act, 78 percent for referrals of construction industry grievances, and 56 percent for the total of all other types of cases. The number of cases requiring more than 168 days (6 months) to complete decreased to 404 from 449 in 1988-89.



## Certification of Bargaining Agents

In 1989-90, the Board received 910 applications for certification of trade unions as bargaining agents of employees, a decrease of 28 over 1988-89. (Tables 1 and 2.)

The applications were filed by 96 trade unions, including 38 employee associations. Fourteen of the unions, each with more than 20 applications, accounted for 73 percent of the total filings: Canadian Auto Workers (34 cases), Public Employees (CUPE) (61 cases), Food and Commercial Workers (33 cases), Ontario Public Service Employees (20 cases), Retail Wholesale Employees (25 cases), Service Employees Intl. (46 cases), United Steelworkers (64 cases), Carpenters (81 cases), Electrical Workers (IBEW) (28 cases), Intl. Operating Engineers (31 cases), Labourers (156 cases), Ontario Secondary Teachers (22 cases), Painters (26 cases) and Teamsters (40 cases). In contrast, 24 percent of the unions filed fewer than 5 applications each. These unions together accounted for 5 percent of the total certification filings. (Table 8.)

Table 9 gives the industrial distribution of the certification applications received and disposed of during the year. Non-manufacturing industries accounted for 80 percent of the applications received, concentrated in construction (308 cases), health and welfare services (110 cases), education and related services (83 cases), transportation (29 cases), accommodation and food services (27 cases), retail trade (26 cases) and wholesale trade (23 cases). These seven groups comprised 83 percent of the total non-manufacturing applications. Of the 179 applications involving establishments in manufacturing industries, 72 percent were in seven groups: food and beverage (24 cases), metal fabricating (23 cases), wood (16 cases), transportation equipment (16 cases), printing and publishing (23 cases), other manufacturing (17 cases), and rubber and plastics (10 cases).

In addition to the applications received, 227 cases were carried over from last year, making a total certification caseload of 1,137 in 1989-90. Of the total caseload, 880 were disposed of, proceedings were adjourned sine die in 31 cases, and 226 cases were pending at March 31, 1990. Of the 880 dispositions, certification was granted in 573 cases, including 7 in which interim certificates were issued under section 6 (2) of the Act, and 2 that were certified under section 8; 117 cases were dismissed; proceedings were terminated in 30 cases; and 160 cases were withdrawn. The certified cases represented 65 percent of the total dispositions. (Table 1.)

Of the 720 applications that were either certified, dismissed or terminated, final decisions in 148 cases were based on the results of representation votes. Of the 148 votes conducted, 104 involved a single union on the ballot, and 44 were held between two unions. Applicants won in 88 of the votes and lost in the other 60. (Table 6.)

A total of 13,150 employees were eligible to vote in the 148 elections, of whom 10,320 or 78 percent cast ballots. In the 88 votes that were won and resulted in certification, 5,281 or 73 percent of the 7,202 employees eligible to vote cast ballots, and of these voters 3,568 or 68 percent favoured union representation. In the 60 elections that were lost and resulted in dismissals, 5,039 or 85 percent of the 5,948 eligible employees participated, and of these only 33 percent voted for union representation.

**Size and Composition of Bargaining Units:** Small units continued to be the predominant pattern of union organizing efforts through the certification process in 1989-90. The average size of the bargaining units in the 573 applications that were certified was 30 employees, the same as in 1988-89. Units in construction certifications averaged 7 employees, the same as in 1988-89; and in non-construction certifications they averaged 41 employees, compared with 40 in 1988-89. Eighty-two percent of the total certifications involved units of fewer than 40 employees, and 42 percent

applied to units of fewer than 10 employees. The total number of employees covered by the 573 certification applications granted decreased to 17,184 from 21,440 in 1988-89. (Table 10.)

Of the employees covered by the applications certified, 4,437 or 26 percent, were in bargaining units that comprised full-time employees or in units that excluded employees working 24 hours or less a week. Units composed of employees working 24 hours or less a week accounted for 1,574 employees, found mostly in education, and health and welfare services and represented mainly by teachers' unions and the Ontario Nurses Association. Full-time and part-time employees were represented in units covering 11,173 employees, including units that did not specifically exclude employees working 24 hours or less a week. (Tables 12 and 13.)

Seventy-six percent of the employees, or 13,138 were employed in production, service and related occupations; and 657 were in office, clerical and technical occupations - mainly in education, and health and welfare services. Professional employees, found mostly in education, and health and welfare services, accounted for 1,831 employees; a small number, 101 employees, were in sales classifications, and 1,457 were in units that included employees in two or more classifications. (Tables 14 and 15.)

**Disposition Time:** A median time of 30 calendar days was required to complete the 573 certification applications granted from receipt to disposition. For non-construction certifications, the median time was 29 days, and for construction certifications the median time was 32 days. (Table 11.)

Eighty-four percent of the 573 certification applications granted were disposed of in 84 days (3 months) or less, 72 percent took 56 days (2 months) or less, 34 percent required 28 days (one month) or less, and 10 percent were processed in 21 days (3 weeks) or less. Thirty-five cases required longer than 168 days (6 months) to process, compared with 45 cases in 1988-89.

### **Termination of Bargaining Rights**

In 1989-90, the Board received 167 applications under sections 57, 59, 60, 61, and 123 of the Act, seeking termination of the bargaining rights of trade unions. In addition, 30 cases were carried over from 1988-89.

Of the total cases processed, bargaining rights were terminated in 69 cases, 33 cases were dismissed, 27 were withdrawn or settled, proceedings were terminated or adjourned sine die in 6 cases, and 62 cases were pending at March 31, 1990.

Unions lost the right to represent 855 employees in the 69 cases in which termination was granted, but retained bargaining rights for 1,023 employees in the 59 cases that were either dismissed or withdrawn.

Of the 102 cases that were either granted or dismissed, dispositions in 40 were based on the results of representation votes. A total of 816 employees were eligible to vote in the 40 elections that were held, of whom 724 or 89 percent cast ballots. Of those who cast ballots, 163 voted for continued representation by unions and 561 voted against. (Table 6.)

### **Declaration of Successor Trade Union**

In 1989-90, the Board dealt with 23 applications for declarations under section 62 of the Act concerning the bargaining rights of successor trade unions resulting from a union merger or transfer of jurisdiction, compared to 34 in 1988-89.

Affirmative declarations were issued by the Board in 17 cases, 2 cases were withdrawn and 4 cases were terminated.

### **Declaration of Successor or Common Employer**

In 1989-90, the Board dealt with 350 applications for declarations under section 63 of the Act concerning the bargaining rights of trade unions of a successor employer resulting from a business sale, or for declarations under section 1(4) to treat two companies as one employer. The two types of request are often made in a single application.

Affirmative declarations were issued by the Board in 21 cases, 104 cases were either settled or withdrawn by the parties, 12 cases were dismissed, proceedings were terminated or adjourned sine die in 63 cases, and 150 cases were pending at March 31, 1990.

### **Accreditation of Employer Organizations**

Six applications were processed under sections 125 through 127 of the Act for accreditation of employer organizations as bargaining agents of employers in the construction industry. One case was granted and 5 cases were pending at March 31, 1990.

### **Declaration and Direction of Unlawful Strike**

In 1989-90, the Board dealt with 11 applications seeking a declaration under Section 92 against an alleged unlawful strike by employees in the construction industry. One case was granted, 7 cases were withdrawn or settled, and 3 were pending at March 31, 1990.

Thirty-one applications were dealt with seeking directions under section 92 against alleged unlawful strikes by employees in non-construction industries. Directions were issued in 7 cases, 4 cases were dismissed, 10 were settled or withdrawn, proceedings were terminated or adjourned sine die in 6 cases, and 4 were pending at March 31, 1990.

Thirty-two applications were also processed, seeking directions under section 135 of the Act against alleged unlawful strikes by construction workers. Directions were issued in 6 cases, 1 case was dismissed, 5 were settled or withdrawn, proceedings were terminated or adjourned sine die in 16 cases, and 4 were pending at March 31, 1990.

### **Declaration and Direction of Unlawful Lock-out**

One application was processed in 1989-90, seeking declaration under section 93 of the Act against alleged unlawful lock-out by construction employers. The case was dismissed.

Five applications were processed seeking a direction under section 93 of the Act against alleged unlawful lock-out by non-construction employers. A direction was issued in 1 case, 3 were settled or withdrawn, and 1 case was pending at March 31, 1990.

### **Consent to Prosecute**

In 1989-90, the Board dealt with 6 applications under section 101 of the Act, requesting consent to institute prosecution in court against trade unions and employers for alleged commission of offences under the Act.

Of the 6 applications processed, which included 1 carried over from the previous year, 3 were disposed of, and 3 were pending at March 31, 1990. Of the cases disposed of, proceedings were terminated in 1 case, and 2 were settled or withdrawn.



## Complaints of Contravention of Act

Complaints alleging contraventions of the Act may be filed with the Board for processing under section 89 of the Act. In handling these cases the Board emphasizes voluntary settlements by the parties involved, with the assistance of a labour relations officer.

In 1989-90, the Board received 807 complaints under this section, an increase of 20 cases over the 787 filed in 1988-89. In complaints against employers, the principal charges were alleged illegal discharge of or discrimination against employees for union activity in violation of sections 64 and 66 of the Act, illegal changes in wages and working conditions contrary to section 79, and failure to bargain in good faith under section 15. These charges were made mostly in connection with applications for certification. The principal charge against trade unions was alleged failure to represent employees fairly in grievances against their employer.

In addition to the complaints received, 233 cases were carried over from 1988-89. Of the 1,040 total processed, 695 were disposed of, proceedings were adjourned sine die in 85 cases, and 260 cases were pending at March 31, 1990.

In 542 or 77 percent of the 700\* dispositions, voluntary settlements and withdrawals of the complaint were secured by labour relations officers (Table 4), remedial orders were issued by the Board in 17 cases, 117 cases were dismissed, and proceedings were terminated in the remaining 24 cases.

In the cases settled by labour relations officers and those in which Board awards were made, compensation amounting to about \$474,965 was made to aggrieved employees, as well as offers of reinstatement in many cases. In the 17 cases in which violations of the Act were found by the Board, employers and unions were ordered to pay compensation to six employees for wages and benefits lost in a specified period, and four of these employees were also ordered reinstated.

In addition, employers in 10 cases were ordered to post a Board notice of the employees' rights under the Act, and cease and desist directions were issued to employers in three other cases.

## Construction Industry Grievances

Grievances over alleged violation of the provisions of a collective agreement in the construction industry may be referred to the Board for resolution under section 124 of the Act. As with complaints of contraventions of the Act, the Board encourages voluntary settlement of these cases by the parties involved, with the assistance of a labour relations officer.

In 1989-90, the Board received 881 cases under this section. The principal issues in these grievances were alleged failure by employers to make required contributions to health and welfare, pension and vacation funds, failure to deduct union dues, and alleged violation of the subcontracting and hiring arrangements in the collective agreement.

In addition to the cases received, 112 were carried over from 1988-89. Of the total 993 processed, 549 were disposed of, proceedings were adjourned sine die in 282 cases, and 162 were pending at March 31, 1990.

In 479 or 87 percent of the 549 dispositions, voluntary settlements and withdrawals of the grievance were obtained by labour relations officers (Table 4), awards were made by the Board in 37 cases, 15 cases were dismissed, and proceedings were terminated in the remaining 18 cases.

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\* Includes 5 cases under the *Colleges Collective Bargaining Act*.

Payments totalling about \$1,572,349 were recovered for unions and employees in the cases settled by labour relations officers and those in which Board awards were made.

## **MISCELLANEOUS APPLICATIONS AND COMPLAINTS**

### **Right of Access**

In 1989-90, one application was dealt with under section 11 of the Act in which the union sought access to the employer's property. Access was granted.

### **Religious Exemption**

Fourteen applications were processed under section 47 of the Act, seeking exemption for employees from the union security provisions of collective agreements because of their religious beliefs. Three applications were granted, five were dismissed, three withdrawn or settled, and three were pending at March 31, 1990.

### **Early Termination of Collective Agreements**

Twenty-nine applications were processed under section 52(3) of the Act, seeking early termination of collective agreements. Consent was granted in 23 cases, one was dismissed, two were withdrawn, proceedings were terminated in one case, and two were pending at March 31, 1990.

### **Union Financial Statements**

Seven complaints were dealt with under section 85 of the Act, alleging failure by trade unions to furnish members with audited financial statements of the union's affairs. One case was granted, four cases were withdrawn, proceedings were terminated in one case, and one was pending at March 31, 1990.

### **Jurisdictional Disputes**

Sixty-seven complaints were dealt with under section 91 of the Act involving union work jurisdiction. An assignment of the work in dispute was made by the Board in two cases, six cases were dismissed, 15 were settled or withdrawn, proceedings were terminated in seven cases, adjourned sine die in six, and 31 cases were pending at March 31, 1990.

### **Determination of Employee Status**

The Board dealt with 84 applications under section 106(2) of the Act, seeking decisions on the status of individuals as employees under the Act. Forty-two cases were settled or withdrawn by the parties in discussions with labour relations officers. Determinations were made by the Board in six cases, in which 53 of the 110 persons in dispute were found to be employees under the Act. Five cases were dismissed, proceedings were terminated in three cases, adjourned sine die in three cases, and 25 cases were pending at March 31, 1990.

### **Referrals by Minister of Labour**

In 1989-90, the Board dealt with two cases referred by the Minister under section 107 of the Act for opinions or questions related to the Minister's authority to appoint a conciliation officer under section 16 of the Act, or an arbitrator under sections 44 or 45. Both cases were pending at March 31, 1990.

One case was referred to the Board by the Minister under section 139(4) of the Act, concerning the designations of the employee and employer agencies in a bargaining relationship in the industrial, commercial and institutional sector of the construction industry. The case was terminated.

### **Trusteeship Reports**

Two statements were filed with the Board during the year reporting that local unions had been placed under trusteeship.

### **First Agreement Arbitration**

On May 26, 1986, section 40a was added to the *Labour Relations Act* to enable first collective agreements to be settled by arbitration. The process involves two stages: the parties must first apply to the Board for a direction to arbitrate; then if the direction is granted, they may choose to have the settlement arbitrated by the Board or privately by a board of arbitration.

In 1989-90, the Board received 21 applications for directions to settle first agreements by arbitration. Directions were issued in four cases, eight cases were settled or withdrawn, proceedings were terminated or adjourned sine die in two cases and seven were pending at March 31, 1990.

### **Arbitration Provision**

One application was made under section 44 (3) asking the Board to modify the arbitration provision in a collective agreement. The case was dismissed.

### **Determination of Sector in the Construction Industry**

Two applications were made under section 150 asking the Board to determine whether construction work in question was within the industrial-commercial-institutional sector. Both cases were pending at March 31, 1990.

### **Occupational Health and Safety Act and Environmental Protection Act**

In 1989-90, the Board received 63 complaints under section 24 of the *Occupational Health and Safety Act*, and one complaint under section 134(b) of the *Environmental Protection Act*, alleging wrongful discipline or discharge for acting in compliance with the Acts. Seventy-four cases were carried over from 1988-89.

Of the total 56 cases processed, 46 were settled or withdrawn by the parties in discussions with labour relations officers. One case was granted, four were dismissed, proceedings were terminated or adjourned sine die in 10 cases, and the remaining 77 were pending at March 31, 1990.

### **Colleges Collective Bargaining Act**

Ten complaints were dealt with under section 78 of the *Colleges Collective Bargaining Act*, alleging contraventions of the Act. One case was dismissed, four were settled or withdrawn, one was adjourned sine die, and four were pending at March 31, 1990.

Four applications were dealt with under section 82 of the Act for decisions on the status of individuals as employees under the Act. Determinations were made by the Board in one case, in which five persons in dispute were not included in the bargaining unit, two were settled, and one was pending at March 31, 1990.



Statistics on the cases under the *Colleges Collective Bargaining Act* dealt with by the Board are included in Table 1.

## VII BOARD PUBLICATIONS

The Ontario Labour Relations Board publishes the following:

*The Ontario Labour Relations Board Reports:* A monthly publication of selected Board decisions which also contains other information and statistics on proceedings before the Board.

*A Guide to the Labour Relations Act:* A booklet explaining in layperson's terms the provisions of the *Labour Relations Act* and the Board's practices. This publication is revised periodically to reflect current law and Board practices. The Guide is also available in French.

*Monthly Highlights:* A publication in leaflet form containing scope notes of significant Board decisions on a monthly basis. This publication also contains Board notices of interest to the industrial relations community and information relating to new appointments and other internal developments.

*Pamphlets:* To date the Board has published three pamphlets. Two of these, "Rights of Employees, Employers and Trade Unions" and "Certification by the Ontario Labour Relations Board", are available in English, French, Italian and Portuguese. The third pamphlet entitled "Unfair Labour Practice Proceedings before the Ontario Labour Relations Board", describes unfair labour practice proceedings before the Board and also contains useful instructions in filling out Form 58, which is used to institute proceedings.

All of the Board's publications may be obtained by calling, writing, or visiting the Board's offices. The *Ontario Labour Relations Board Reports* are available through annual subscriptions, (January - December issues inclusive) currently priced at \$125.00. Individual copies of the Report may be purchased at the Government of Ontario Bookstore. Order forms for subscriptions are available from the Board.

## **VIII            STAFF AND BUDGET**

At the end of the fiscal year 1989-90, the Board employed a total of 118 persons on a full-time basis. The Board has two types of employees. The Chair, Alternate Chair, Vice-Chairs and Board Members are appointed by the Lieutenant Governor in Council. The administrative, field and support staff are civil service appointees.

The total budget of the Ontario Labour Relations Board for the fiscal year was \$8,548,300.



## IX STATISTICAL TABLES

The following statistics are indicative of the activities of the Ontario Labour Relations Board during the fiscal year 1989-90.

Table 1:	Total Applications and Complaints Received, Disposed of and Pending, Fiscal Year 1989-90.
Table 2:	Applications and Complaints Received and Disposed of, Fiscal Years 1985-86 to 1989-90.
Table 3:	Labour Relations Officer Activity in Cases Processed, Fiscal Year 1989-90.
Table 4:	Labour Relations Officer Settlements in Cases Disposed of Fiscal Year 1989-90.
Table 5:	Results of Representation Votes Conducted, Fiscal Year 1989-90.
Table 6:	Results of Representation Votes in Cases Disposed of, Fiscal Year 1989-90.
Table 7:	Time Required to Process Applications and Complaints Disposed of, by Major Type of Case, Fiscal Year 1989-90.
Table 8:	Union Distribution of Certification Applications Received and Disposed of, Fiscal Year 1989-90.
Table 9:	Industry Distribution of Certification Applications Received and Disposed of, Fiscal Year 1989-90.
Table 10:	Size of Bargaining Units in Certification Applications Granted, Fiscal Year 1989-90.
Table 11:	Time Required to Process Certification Applications Granted, Fiscal Year 1989-90.
Table 12:	Employment Status of Employees in Bargaining Units Certified, by Industry, Fiscal Year 1989-90.
Table 13:	Employment Status of Employees in Bargaining Units Certified, by Union, Fiscal Year 1989-90.
Table 14:	Occupational Groups in Bargaining Units Certified, by Industry, Fiscal Year 1989-90.
Table 15:	Occupational Groups in Bargaining Units Certified, by Union, Fiscal Year 1989-90.

Table 1

### Total Applications and Complaints Received, Disposed of and Pending Fiscal Year 1989-90

Type of Case	Caseload			Disposed of, Fiscal Year 1989-90							Pending March 31, 1990
	Total	Pending April 1, 89	Received Fiscal Year 1989-90	Total	Granted*	Dismissed	Termi- nated	With- drawn	Settled	Sine Die	
<b>Total</b>	<b>4,213</b>	<b>926</b>	<b>3,287</b>	<b>2,685</b>	<b>792</b>	<b>322</b>	<b>108</b>	<b>639</b>	<b>824</b>	<b>493</b>	<b>1,035</b>
Certification of Bargaining Agents	1,137	227	910	880	573	117	30	160	—	31	226
Declaration of Termination of Bargaining Rights	197	30	167	132	69	33	3	26	1	3	62
Declaration of Successor Trade Union	23	10	13	23	17	—	4	2	—	—	—
Declaration of Successor Employer or Common Employer Status	350	149	201	143	21	12	6	23	81	57	150
Accreditation	6	6	—	1	1	—	—	—	—	—	5
Declaration of Unlawful Strike	11	—	11	8	1	—	—	5	2	—	3
Declaration of Unlawful Lockout	1	1	—	1	—	1	—	—	—	—	—
Direction respecting Unlawful Strike	63	4	59	36	13	5	3	6	9	19	8
Direction respecting Unlawful Lockout	5	—	5	4	1	—	—	2	1	—	1
Consent to Prosecute	6	1	5	3	—	—	1	1	1	—	3
Contravention of Act**	1,050	233	817	700	17	117	24	208	334	86	264
Right of Access	1	—	1	1	1	—	—	—	—	—	—
Exemption from Union Security Provision in Collective Agreement	14	1	13	11	3	5	—	2	1	—	3
Early Termination of Collective Agreement	29	2	27	27	23	1	1	2	—	—	2
Trade Union Financial Statement	7	2	5	6	1	—	1	4	—	—	1
Jurisdictional Dispute	67	40	27	30	2	6	7	11	4	6	31

(Cont'd)

Table 1 (Cont'd)

### Total Applications and Complaints Received, Disposed of and Pending Fiscal Year 1989-90

Type of Case	Caseload		Disposed of, Fiscal Year 1989-90										Pending March 31, 1990
	Total	Pending April 1, 89	Received Fiscal Year 1989-90	Total	Granted*	Dismissed	Termi- nated	With- drawn	Settled	Sine Die			
Total	4,213	926	3,287	2,685	792	322	108	639	824	493	1,035		
Referral on Employee Status***	88	33	55	59	7	5	3	19	25	3	26		
Referral from Minister on Appointment of Conciliation Officer or Arbitrator	2	—	2	—	—	—	—	—	—	—	2		
Referral of Construction Industry Grievance	993	112	881	549	37	15	18	154	325	282	162		
Referral from Minister on Construction Bargaining Agency	1	1	—	1	—	—	1	—	—	—	—		
Complaint under Occupational Health and Safety Act	136	73	63	55	—	4	5	8	38	5	76		
Environmental Protection Act	2	1	1	1	1	—	—	—	—	—	1		
First Agreement Arbitration Direction	21	—	21	13	4	—	1	6	2	1	7		
Arbitration Provision	1	—	1	1	—	1	—	—	—	—	—		
Determination of Sector of Construction Work	2	—	2	—	—	—	—	—	—	—	2		

\* Includes cases in which a request was granted or a determination made by the Board.

\*\* Total caseload includes 10 applications under *Colleges Collective Bargaining Act*.\*\*\* Includes 4 applications under *Colleges Collective Bargaining Act*.



Table 2

### Applications and Complaints Received and Disposed of Fiscal Years 1985-86 to 1989-90

Type of Case	Number Received in Fiscal Year						Number Disposed of in Fiscal Year					
	Total	1985-86	1986-87	1987-88	1988-89	1989-90	Total	1985-86	1986-87	1987-88	1988-89	1989-90
<b>Total</b>	<b>16,908</b>	<b>3,236</b>	<b>3,577</b>	<b>3,583</b>	<b>3,225</b>	<b>3,287</b>	<b>14,936</b>	<b>2,912</b>	<b>3,371</b>	<b>3,112</b>	<b>2,856</b>	<b>2,685</b>
Certification of Bargaining Agents	5,032	1,025	1,034	1,125	938	910	4,972	1,034	1,006	1,108	944	880
Declaration of Termination of Bargaining Rights	829	155	171	159	177	167	800	135	191	133	209	132
Declaration of Successor Trade Union or Employer	766	88	175	185	184	134	628	85	190	136	108	109
Declaration of Common Employer Status	458	117	123	77	61	80	403	81	147	62	56	57
Accreditation	10	—	3	1	6	—	7	1	2	1	2	1
Declaration of Unlawful Strike or Lockout	33	6	4	5	7	11	25	5	3	2	6	9
Direction Respecting Unlawful Strike or Lockout	283	52	63	49	55	64	200	36	49	35	40	40
Consent to Prosecute	37	11	8	9	4	5	33	8	8	5	9	3
Contravention of Act	4,189	855	862	868	787	817	3,834	758	891	734	751	700
Referral of Construction Industry Grievance	4,095	745	865	865	739	881	3,027	614	664	671	529	549
Miscellaneous	1,077	182	232	219	247	197	926	155	189	208	182	192
First Agreement Arbitration Direction	95	—	34	20	20	21	77	—	28	16	20	13
First Agreement Arbitration Proceedings	4	—	3	1	—	—	4	—	3	1	—	—

**Table 3**
**Labour Relations Officer Activity in Cases Processed\***  
**Fiscal Year 1989-90**

Type of Case	Total Cases Assigned	Cases in Which Activity Completed			Referred to Board	Sine Die	Pending
		Total	Number	Percent			
<b>Total</b>	<b>2,263</b>	<b>1,492</b>	<b>1,374</b>	<b>92.1</b>	<b>118</b>	<b>335</b>	<b>436</b>
Certification							
Interim certificate	23	15	15	100.0	—	—	8
Pre-hearing application	108	94	64	68.1	30	2	12
Other application	412	385	358	93.0	27	3	24
Contravention of Act	749	460	431	93.7	29	64	225
Construction industry grievance	876	472	453	96.0	19	263	141
Employee status	31	26	14	53.8	12	1	4
Occupational Health and Safety Act	63	40	39	97.5	1	2	21
Environmental Protection Act	1	—	—	—	—	—	1

\* Includes all cases assigned to labour relations officers, which may or may not have been disposed of by the end of the year.

**Table 4**
**Labour Relations Officer Settlements in Cases Disposed of\***  
**Fiscal Year 1989-90**

Type of Case	Total Disposed of	Officer Settlements	
		Number	Percent of Dispositions
<b>Total</b>	<b>1,363</b>	<b>1,111</b>	<b>81.4</b>
Contravention of Act	700	542	77.4
Construction industry grievance	549	479	87.2
Employee status	59	44	74.5
Occupational Health and Safety Act	55	46	83.6

\* Includes only cases in which labour relations officers play the leading role in the processing of the case. The figures refer to cases disposed of during the year and should not be confused with data for the same types of cases in Table 3. Table 3 refers to new assignments of cases made to labour relations officers during the year which may or may not have been disposed of by the end of the year.

Table 5

**Results of Representation Votes Conducted\***  
**Fiscal Year 1989-90**

Type of Case	Number of Votes	Eligible Employees	Ballots Cast	
			Total	In Favour of Unions
<b>Total</b>	<b>181</b>	<b>14,881</b>	<b>11,529</b>	<b>5,692</b>
<b>Certification</b>	<b>131</b>	<b>13,364</b>	<b>10,164</b>	<b>5,326</b>
Pre-Hearing Cases				
One Union	35	4,418	2,738	1,514
Two Unions	36	5,255	4,251	2,471
Construction Cases				
One Union	5	56	54	15
Two Unions	1	2	2	2
Regular Cases				
One Union	52	3,487	2,990	1,238
Two Unions	2	146	129	86
<b>Termination of Bargaining Rights</b>	<b>46</b>	<b>1,089</b>	<b>994</b>	<b>245</b>
<b>Successor Employer</b>				
One Union	3	170	144	25
Two Unions	1	258	227	96

\* Refers to all representation votes conducted and the results counted during the fiscal year, regardless of whether or not the case was disposed of during the year.

Table 6

### Results of Representation Votes in Cases Disposed of\* Fiscal Year 1989-90

Type of Case	Number of Votes				Eligible Votes				All Ballots Cast				Ballots Cast in Favour of Unions			
	Total		Lost		Total		In Votes		Total		In Votes		Total		In Votes	
<b>Total</b>	<b>191</b>	<b>92</b>	<b>99</b>	<b>14,376</b>	<b>7,282</b>	<b>7,094</b>	<b>11,402</b>	<b>5,353</b>	<b>6,049</b>	<b>5,502</b>	<b>3,615</b>	<b>1,887</b>				
<b>Certification</b>	<b>148</b>	<b>88</b>	<b>60</b>	<b>13,150</b>	<b>7,202</b>	<b>5,948</b>	<b>10,320</b>	<b>5,281</b>	<b>5,039</b>	<b>5,225</b>	<b>3,568</b>	<b>1,657</b>				
Pre-hearing Cases																
One Union	42	25	17	4,330	2,361	1,969	2,751	1,186	1,565	1,441	924	517				
Two Unions	41	37	4	4,700	3,212	1,488	3,976	2,734	1,242	2,217	1,815	402				
Construction Cases																
One Union	6	3	3	57	11	46	55	11	44	16	11	5				
Two Unions	1	1	—	2	2	—	2	2	—	2	2	—				
Regular Cases																
One Union	56	21	35	3,915	1,520	2,395	3,407	1,259	2,148	1,463	740	723				
Two Unions	2	1	1	146	96	50	129	89	40	86	76	10				
<b>Termination of Bargaining Rights</b>	<b>40</b>	<b>4</b>	<b>36</b>	<b>816</b>	<b>80</b>	<b>736</b>	<b>724</b>	<b>72</b>	<b>652</b>	<b>163</b>	<b>47</b>	<b>116</b>				
<b>Successor Employer</b>																
One Union	2	—	2	152	—	152	131	—	131	18	—	18				
Two Unions	1	—	1	258	—	258	227	—	227	96	—	96				

\* Refers to final representation votes conducted in cases disposed of during the fiscal year. This table should not be confused with Table 5 which refers to all representation votes conducted during the year regardless of whether or not the case was disposed of during the year.



Table 7

**Time Required to Process Applications and Complaints Disposed of, by Major Type of Case  
Fiscal Year 1989-90**

Time Taken (Calendar Days)	All Cases			Certification Cases			Section 89 Cases			Section 124 Cases			All Other Cases		
	Dispo- sitions	Cumu- lative Percent	Dispo- sitions	Cumu- lative Percent	Dispo- sitions	Cumu- lative Percent	Dispo- sitions	Cumu- lative Percent	Dispo- sitions	Cumu- lative Percent	Dispo- sitions	Cumu- lative Percent	Dispo- sitions	Cumu- lative Percent	Dispo- sitions
<b>Total</b>	<b>2,685</b>	<b>100.0</b>	<b>880</b>	<b>100.0</b>	<b>700</b>	<b>100.0</b>	<b>549</b>	<b>100.0</b>	<b>556</b>	<b>100.0</b>	<b>556</b>	<b>100.0</b>	<b>556</b>	<b>100.0</b>	<b>556</b>
Under 8 days	70	2.6	10	1.1	22	3.1	4	0.7	34	6.1	34	6.1	34	6.1	34
8-14 days	209	10.4	30	4.5	34	8.0	133	25.0	12	8.3	12	8.3	12	8.3	12
15-21 days	282	20.9	74	13.0	46	14.6	143	51.0	19	11.7	19	11.7	19	11.7	19
22-28 days	295	31.9	179	33.3	48	21.4	31	56.6	37	18.6	37	18.6	37	18.6	37
29-35 days	227	40.3	116	46.5	56	29.4	19	60.1	36	24.8	36	24.8	36	24.8	36
36-42 days	181	47.1	70	54.4	64	38.6	12	62.3	35	31.1	35	31.1	35	31.1	35
43-49 days	163	53.1	48	59.9	62	47.4	20	65.9	33	37.1	33	37.1	33	37.1	33
50-56 days	118	57.4	40	64.4	32	52.0	20	69.6	26	41.7	26	41.7	26	41.7	26
57-63 days	91	60.9	31	68.0	30	56.3	12	71.8	18	45.0	18	45.0	18	45.0	18
64-70 days	82	64.0	38	72.3	17	58.7	11	73.8	16	47.8	16	47.8	16	47.8	16
71-77 days	92	67.4	31	75.8	21	61.7	15	76.5	25	52.3	25	52.3	25	52.3	25
78-84 days	74	70.2	19	78.0	26	65.4	10	78.3	19	55.8	19	55.8	19	55.8	19
85-91 days	54	72.7	18	80.0	17	67.9	6	79.4	13	58.1	13	58.1	13	58.1	13
92-98 days	41	73.7	9	81.0	11	69.4	7	80.7	14	60.6	14	60.6	14	60.6	14
99-105 days	51	75.6	11	82.3	21	72.4	10	82.5	9	62.2	9	62.2	9	62.2	9
106-126 days	115	79.9	28	85.5	38	77.9	17	85.6	32	68.0	32	68.0	32	68.0	32
127-147 days	84	83.0	17	87.4	28	81.9	10	87.4	29	73.2	29	73.2	29	73.2	29
148-168 days	52	84.9	18	89.4	15	84.0	7	88.7	12	75.4	12	75.4	12	75.4	12
over 168 days	404	100.0	93	100.0	112	100.0	62	100.0	137	100.0	137	100.0	137	100.0	137

Table 8

**Union Distribution of Certification Applications Received and Disposed of  
Fiscal Year 1989-90**

Union	Number of Appli- cations Received	Number of Applications Disposed of			
		Total	Certified	Dismissed**	Withdrawn
<b>All Unions</b>	<b>910</b>	<b>880</b>	<b>573</b>	<b>147</b>	<b>160</b>
<b>CLC* Affiliates</b>	<b>385</b>	<b>362</b>	<b>255</b>	<b>55</b>	<b>52</b>
Aluminum Brick & Glass Wkrs.	2	2	—	1	1
Brewery and Soft Drink Wkrs.	1	2	2	—	—
Canadian Auto Workers	34	34	25	6	3
Canadian Paperworkers	11	8	8	—	—
Canadian Public Employees (CUPE)	61	59	42	6	11
Clothing and Textile Workers	2	2	1	1	—
Communications Workers (Amer)	3	3	3	—	—
Electrical Workers (UE)	2	1	1	—	—
Energy and Chemical Workers	9	9	5	2	2
Food and Commercial Workers	33	33	23	7	3
Glass, Molders and Allied Wkrs.	1	1	—	1	—
Graphic Communications Union	12	8	7	1	—
Hotel Employees	7	8	8	—	—
IWA-Canada	6	—	—	—	—
Ladies Garment Workers	2	2	1	1	—
Machinists	10	10	4	3	3
Newspaper Guild	8	9	9	—	—
Office and Professional Employees	3	2	2	—	—
Ontario Public Service Employees	20	22	18	2	2
Postal Workers	2	1	1	—	—
Railway, Transport and General Workers	4	4	—	2	2
Retail Wholesale Employees	25	23	16	4	3
Rubber Workers	1	1	—	—	1
Service Employees International	46	50	35	5	10
Theatrical Stage Employees	3	2	1	1	—
Transit Union (Intl.)	5	6	3	1	2
United Paperworkers	1	2	—	2	—
United Steelworkers	64	48	34	7	7
United Textile Workers	1	1	1	—	—
Woodworkers	6	9	5	2	2

\* Canadian Labour Congress.

\*\* Includes cases that were terminated.

**Table 8 (Cont'd)**
**Union Distribution of Certification Applications Received and Disposed of  
Fiscal Year 1989-90**

Union	Number of Appli- cations Received	Number of Applications Disposed of			
		Total	Certified	Dismissed**	Withdrawn
<b>All Unions</b>	<b>910</b>	<b>880</b>	<b>573</b>	<b>147</b>	<b>160</b>
<b>Non-CLC Affiliates</b>	<b>525</b>	<b>518</b>	<b>318</b>	<b>92</b>	<b>108</b>
Allied Health Professionals	3	3	3	—	—
Asbestos Workers	—	1	—	1	—
Auto Workers	2	2	2	—	—
Boilermakers	4	6	4	1	1
Bricklayers International	2	5	1	4	—
Carpenters	81	77	46	9	22
Canadian Operating Engineers	5	2	2	—	—
Canadian Transit Union	9	13	11	1	1
Christian Labour Association	12	10	8	1	1
Communications & Allied Workers	1	1	—	—	1
Electrical Workers (IBEW)	28	33	17	6	10
Engineers Association	1	1	—	—	1
Film Craftspeople	2	2	—	—	2
Guards Association	—	1	1	—	—
Independent Local Union	38	34	15	9	10
International Operating Engineers	31	36	28	3	5
Labourers	156	132	82	23	27
Ontario English Catholic Teachers	2	2	1	1	—
Ontario Nurses Association	5	6	6	—	—
Ontario Public School Teachers	6	8	7	1	—
Ontario Secondary School Teachers	22	18	14	4	—
Painters	26	26	16	4	6
Plant Guard Workers	6	6	6	—	—
Plumbers	18	21	11	5	5
Sheet Metal Workers	6	9	4	3	2
Structural Iron Workers	7	11	4	2	5
Sudbury Mine Workers	2	1	1	—	—
Teamsters	40	43	27	8	8
Textile Processors	10	8	1	6	1

Table 9

**Industry Distribution of Certification Applications Received and Disposed of  
Fiscal Year 1989-90**

Industry	Number of Appli- cations Received	Number of Applications Disposed of			
		Total	Certified	Dismissed*	Withdrawn
<b>All Industries</b>	<b>910</b>	<b>880</b>	<b>573</b>	<b>147</b>	<b>160</b>
<b>Manufacturing</b>	<b>179</b>	<b>165</b>	<b>104</b>	<b>40</b>	<b>21</b>
Food, beverage	24	25	16	8	1
Tobacco products	—	—	—	—	—
Rubber, plastics	10	7	4	1	2
Leather	3	3	1	—	2
Textile	5	5	4	1	—
Knitting mills	1	1	1	—	—
Clothing	3	2	1	1	—
Wood	16	18	12	4	2
Furniture and fixtures	8	9	4	4	1
Paper	7	5	2	2	1
Printing, publishing	23	18	16	1	1
Primary metals	1	1	1	—	—
Fabricated metals	23	21	15	3	3
Machinery	8	8	4	2	2
Transportation equipment	16	19	11	6	2
Electrical products	6	7	4	1	2
Non-metallic minerals	6	5	5	—	—
Petroleum, coal	—	1	—	1	—
Chemicals	2	1	—	1	—
Other manufacturing	17	9	3	4	2
<b>Non-Manufacturing</b>	<b>731</b>	<b>715</b>	<b>469</b>	<b>107</b>	<b>139</b>
Agriculture	—	—	—	—	—
Forestry	—	—	—	—	—
Fishing, trapping	—	—	—	—	—
Mining, quarrying	7	7	5	2	—
Transportation	29	38	22	6	10
Storage	2	2	2	—	—
Communications	3	2	1	—	1
Electric, gas, water	12	12	8	2	2
Wholesale trade	23	21	14	3	4
Retail trade	26	25	18	5	2
Finance, insurance	3	2	2	—	—
Real Estate	21	16	14	—	2
Education and related services	83	97	48	35	14
Health and welfare services	110	114	90	9	15
Religious organizations	2	2	—	1	1
Recreational services	10	6	2	2	2
Management services	20	10	6	—	4



**Table 9 (Cont'd)****Industry Distribution of Certification Applications Received and Disposed of  
Fiscal Year 1989-90**

Industry	Number of Appli- cations Received	Number of Applications Disposed of			
		Total	Certified	Dismissed*	Withdrawn
<b>All Industries</b>	<b>910</b>	<b>880</b>	<b>573</b>	<b>147</b>	<b>160</b>
Personal services	4	3	2	1	—
Accommodation, food services	27	27	17	6	4
Other services	24	27	22	1	4
Federal government	1	1	—	1	—
Provincial government	—	—	—	—	—
Local government	16	18	13	2	3
Other government	—	—	—	—	—
Construction	308	285	183	31	71

\* Includes cases that were terminated.

**Table 10****Size of Bargaining Units in Certification Applications Granted  
Fiscal Year 1989-90**

Employee Size*	Total		Construction**		Non-Construction	
	Number of Appli- cations	Number of Em- ployees	Number of Appli- cations	Number of Em- ployees	Number of Appli- cations	Number of Em- ployees
<b>Total</b>	<b>573</b>	<b>17,184</b>	<b>183</b>	<b>1,278</b>	<b>390</b>	<b>15,906</b>
2-9 employees	242	1,047	150	597	92	450
10-19 employees	131	1,811	24	312	107	1,499
20-39 employees	95	2,690	6	170	89	2,520
40-99 employees	77	4,684	3	199	74	4,485
100-199 employees	18	2,574	—	—	18	2,574
200-499 employees	9	2,834	—	—	9	2,834
500 employees or more	1	1,544	—	—	1	1,544

\* Refers to the total number of employees in one or more bargaining units certified in an application. A total of 613 bargaining units were certified in the 573 applications in which certification was granted.

\*\* Refers to cases processed under the construction industry provisions of the Act. This figure should not be confused with the 183 certified construction industry applications shown in Table 9, which includes all applications involving construction employers whether processed under the construction industry provisions of the Act or not.

Table 11

**Time Required to Process Certification Applications Granted\***  
**Fiscal Year 1989-90**

Calendar Days (including adjournments requested by the parties)	Total Certified		Non-Construction		Construction	
	Number	Cumulative Percent	Number	Cumulative Percent	Number	Cumulative Percent
<b>Total</b>	<b>573</b>	<b>100.0</b>	<b>391</b>	<b>100.0</b>	<b>182</b>	<b>100.0</b>
Under 8 days	1	0.2	—	—	1	0.5
8-14 days	12	2.3	—	—	12	7.1
15-21 days	44	9.9	4	1.0	40	29.1
22-28 days	139	34.2	109	28.9	30	45.6
29-35 days	103	52.2	87	51.2	16	54.4
36-42 days	54	61.6	46	62.9	8	58.8
43-49 days	31	67.0	23	68.8	8	63.2
50-56 days	26	71.6	17	73.1	9	68.1
57-63 days	22	75.4	18	77.7	4	70.3
64-70 days	18	78.5	9	80.1	9	75.3
71-77 days	19	81.8	15	83.9	4	77.5
78-84 days	10	83.6	8	85.9	2	78.6
85-91 days	7	84.8	4	87.0	3	80.2
92-98 days	4	85.5	2	87.5	2	81.3
99-105 days	7	86.7	6	89.0	1	81.9
106-126 days	18	89.9	12	92.1	6	85.2
127-147 days	11	91.8	9	94.4	2	86.3
148-168 days	12	93.9	6	95.9	6	89.6
over 168 days	35	100.0	16	100.0	19	100.0

\* Refers only to applications in which certification was granted. This table should not be confused with Table 7 which refers to all certification applications disposed of during the year regardless of the method of disposition.

Table 12

## Employment Status of Employees in Bargaining Units Certified by Industry

Fiscal Year 1989-90

Industry	All Units		Employment Status				Full-time and Part-time		All Employees No Exclusion Specified	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
<b>All Industries</b>	<b>613</b>	<b>17,184</b>	<b>134</b>	<b>4,437</b>	<b>29</b>	<b>1,574</b>	<b>91</b>	<b>5,025</b>	<b>359</b>	<b>6,148</b>
<b>Manufacturing</b>	<b>107</b>	<b>7,140</b>	<b>41</b>	<b>2,096</b>	<b>—</b>	<b>—</b>	<b>23</b>	<b>3,267</b>	<b>43</b>	<b>1,777</b>
Food, Beverage	16	317	9	127	—	—	3	58	4	132
Rubber, Plastics	5	184	1	10	—	—	2	112	2	62
Leather	1	6	—	—	—	—	—	—	1	6
Textile	4	57	1	2	—	—	2	32	1	23
Knitting Mills	1	57	—	—	—	—	—	—	1	57
Clothing	1	153	—	—	—	—	1	153	—	—
Wood	12	552	5	339	—	—	2	86	5	127
Furniture and Fixtures	4	354	2	233	—	—	—	—	2	121
Paper	2	67	—	—	—	—	1	14	1	53
Printing, Publishing	18	720	11	347	—	—	3	41	4	332
Primary Metals	1	11	—	—	—	—	—	—	1	11
Fabricated Metals	15	2,423	6	591	—	—	3	1,589	6	243
Machinery	4	574	2	63	—	—	1	492	1	19
Transportation Equipment	11	1,328	3	380	—	—	3	584	5	364
Electrical Products	4	136	1	4	—	—	1	90	2	42
Non-metallic Minerals	5	102	—	—	—	—	1	16	4	86
Other Manufacturing	3	99	—	—	—	—	—	—	3	99

Table 12 (Cont'd)

## Employment Status of Employees in Bargaining Units Certified by Industry

Fiscal Year 1989-90

Industry	All Units			Employment Status				Full-time and Part-time				All Employees No Exclusion Specified	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Empls.
<b>All Industries</b>	<b>613</b>	<b>17,184</b>	<b>134</b>	<b>4,437</b>	<b>29</b>	<b>1,574</b>	<b>91</b>	<b>5,025</b>	<b>359</b>	<b>6,148</b>			
<b>Non-Manufacturing</b>	<b>506</b>	<b>10,044</b>	<b>93</b>	<b>2,341</b>	<b>29</b>	<b>1,574</b>	<b>68</b>	<b>1,758</b>	<b>316</b>	<b>4,371</b>			
Mining, Quarrying	5	329	1	37	—	—	4	292	—	—	—	—	—
Transportation	23	789	7	121	1	50	1	2	14	616	—	—	—
Storage	2	14	1	11	—	—	—	—	1	3	—	—	—
Communications	1	17	—	—	—	—	—	—	—	—	—	—	—
Electric, Gas, Water	8	157	5	147	—	—	1	2	2	8	—	—	—
Wholesale Trade	16	242	4	80	1	3	4	55	7	104	—	—	—
Retail Trade	22	461	9	126	1	11	9	295	3	29	—	—	—
Finance, Insurance Carriers	2	17	—	—	—	—	—	—	2	17	—	—	—
Real Estate, Insurance Agencies	14	106	4	29	2	8	2	19	6	50	—	—	—
Education and Related Services	48	2,475	8	476	14	1,388	4	208	22	403	—	—	—
Health and Welfare Services	115	2,805	35	889	8	98	29	663	43	1,155	—	—	—
Recreational Services	2	15	—	—	—	—	—	—	2	15	—	—	—
Management Services	6	279	3	208	—	—	—	—	3	71	—	—	—
Personal Services	2	57	1	10	—	—	—	—	1	47	—	—	—
Accommodation, Food Services	18	325	6	67	—	—	7	102	5	156	—	—	—
Other Services	24	399	5	60	—	—	2	14	17	325	—	—	—
Local Government	14	211	4	80	2	16	4	89	4	26	—	—	—
Construction	184	1,346	—	—	—	—	—	—	184	1,346	—	—	—



Table 13

## Employment Status of Employees in Bargaining Units Certified by Union

Fiscal Year 1989-90

Unions	All Units		Full-time		Employment Status		Full-time and Part-time		All Employees No Exclusion Specified	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
<b>All Unions</b>	<b>613</b>	<b>17,184</b>	<b>134</b>	<b>4,437</b>	<b>29</b>	<b>1,574</b>	<b>91</b>	<b>5,025</b>	<b>359</b>	<b>6,148</b>
<b>CLC Affiliates</b>	<b>283</b>	<b>11,315</b>	<b>91</b>	<b>3,056</b>	<b>7</b>	<b>55</b>	<b>72</b>	<b>4,742</b>	<b>113</b>	<b>3,462</b>
Brewery and Soft Drink Workers	2	13	1	10	—	—	—	—	1	3
Canadian Auto Workers	25	4,132	8	858	—	—	6	2,730	11	544
Canadian Paperworkers	8	300	2	208	—	—	2	35	4	57
Canadian Public Employees (CUPE)	47	1,413	14	340	1	20	11	474	21	579
Clothing and Textile Workers	1	75	1	75	—	—	—	—	—	—
Electrical Workers (UE)	1	4	1	4	—	—	—	—	—	—
Energy and Chemical Workers	7	82	2	32	—	—	2	20	3	30
Food and Commercial Workers	27	483	12	116	1	11	8	233	6	123
Graphic Communications Union	7	388	3	23	—	—	—	—	4	365
Hotel Employees	8	203	3	38	—	—	3	44	2	121
Ladies Garment Workers	1	27	1	27	—	—	—	—	—	—
Machinists	4	102	—	—	—	—	2	45	2	57
Newspaper Guild	11	357	8	316	—	—	3	41	—	—
Office and Professional Employees	2	97	1	86	—	—	—	—	1	11
Ontario Public Service Employees	25	597	9	184	—	—	7	113	9	300
Postal Workers	1	7	1	7	—	—	—	—	—	—
Retail Wholesale Employees	17	333	8	135	—	—	5	130	4	68
Service Employees International	42	873	10	300	3	10	12	195	17	368
Theatrical Stage Employees	1	3	—	—	—	—	—	—	1	3
Transit Union (International)	3	42	1	12	1	11	—	—	1	19
United Steelworkers	37	1,589	4	248	1	3	10	655	22	683
United Textile Workers	1	57	—	—	—	—	—	—	1	57
Woodworkers	5	138	1	37	—	—	1	27	3	74

Table 13 (Cont'd)

## Employment Status of Employees in Bargaining Units Certified by Union

Fiscal Year 1989-90

Unions	All Units		Full-time		Part-time		Full-time and Part-time		All Employees No Exclusion Specified	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
<b>Non-CLC Affiliates</b>	<b>330</b>	<b>5,869</b>	<b>43</b>	<b>1,381</b>	<b>22</b>	<b>1,519</b>	<b>19</b>	<b>283</b>	<b>246</b>	<b>2,686</b>
Allied Health Professionals	5	45	2	23	1	9	1	8	1	5
Boilermakers	4	74	—	—	—	—	—	—	4	74
Bricklayers International	1	3	—	—	—	—	—	—	1	3
Carpenters	47	463	2	212	—	—	1	2	44	249
Canadian Operating Engineers	2	45	—	—	—	—	—	—	2	45
Canadian Transit Union	11	280	2	14	—	—	1	13	8	253
Christian Labour Association	9	121	1	12	—	—	2	36	6	73
Communications Workers (AMER)	3	61	1	10	—	—	2	44	2	51
Electrical Workers (IBEW)	18	163	2	36	—	—	—	—	14	83
Guards Association	1	128	1	128	—	—	—	—	—	—
Independent Local Union	15	415	5	227	3	102	2	60	25	86
International Operating Engineers	28	312	1	15	—	—	1	6	79	237
Labourers	82	669	2	8	—	—	—	—	—	655
Ontario English Catholic Teachers	1	118	—	—	1	118	—	—	—	—
Ontario Nurses Association	9	165	4	81	5	84	—	—	—	—
Ontario Public School Teachers	7	1,101	—	—	7	1,101	—	—	—	—
Ontario Secondary School Teachers	14	377	2	171	3	52	1	10	8	144
Painters	16	125	1	8	—	—	1	10	14	107
Plant Guard Workers	6	100	3	91	1	3	2	6	—	—
Plumbers	12	132	—	—	—	—	—	—	12	132
Sheet Metal Workers	4	33	—	—	—	—	—	—	4	33
Structural Iron Workers	4	23	—	—	—	—	—	—	4	23
Sudbury Mine Workers	1	4	—	—	—	—	—	—	1	4
Teamsters	27	798	12	278	1	50	5	88	9	382
Textile Processors	1	47	—	—	—	—	—	—	1	47
United Auto Workers	2	67	2	67	—	—	—	—	—	—

Table 14

### Occupational Groups in Bargaining Units Certified by Industry Fiscal Year 1989-90

Industry	All Groups		Production & Related		Office, Clerical & Technical		Professional		Sales		Other	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
<b>All Industries</b>	<b>613</b>	<b>17,184</b>	<b>470</b>	<b>13,138</b>	<b>47</b>	<b>657</b>	<b>41</b>	<b>1,831</b>	<b>8</b>	<b>101</b>	<b>47</b>	<b>1,457</b>
<b>Manufacturing</b>	<b>107</b>	<b>7,140</b>	<b>90</b>	<b>6,836</b>	<b>10</b>	<b>93</b>	<b>1</b>	<b>15</b>	<b>—</b>	<b>—</b>	<b>6</b>	<b>196</b>
Food, Beverage	16	317	10	261	5	41	1	15	—	—	—	—
Rubber, Plastics	5	184	5	184	—	—	—	—	—	—	—	—
Leather	1	6	—	—	1	6	—	—	—	—	—	—
Textile	4	57	4	57	—	—	—	—	—	—	—	—
Knitting Mills	1	57	1	57	—	—	—	—	—	—	—	—
Clothing	1	153	1	153	—	—	—	—	—	—	—	—
Wood	12	552	11	547	1	5	—	—	—	—	—	—
Furniture and Fixtures	4	354	4	354	—	—	—	—	—	—	—	—
Paper	2	67	2	67	—	—	—	—	—	—	—	—
Printing, Publishing	18	720	14	619	—	—	—	—	—	—	4	101
Primary Metals	1	11	1	11	—	—	—	—	—	—	—	—
Fabricated Metals	15	2,423	14	2,411	1	12	—	—	—	—	—	—
Machinery	4	574	3	551	1	23	—	—	—	—	—	—
Transportation Equipment	11	1,328	10	1,322	1	6	—	—	—	—	—	—
Electrical Products	4	136	2	41	—	—	—	—	—	—	2	95
Non-metallic Minerals	5	102	5	102	—	—	—	—	—	—	—	—
Other Manufacturing	3	99	3	99	—	—	—	—	—	—	—	—





Table 15

Occupational Groups in Bargaining Units Certified by Union  
Fiscal Year 1989-90

Unions	All Groups		Production & Related		Office, Clerical & Technical		Occupational Group					
	Number	Empls.	Number	Empls.	Number	Empls.	Professional	Sales	Other	Empls.		
All Unions	613	17,184	470	13,138	47	657	41	1,831	8	101	47	1,457
CLC Affiliates	283	11,315	198	9,322	32	418	8	111	8	101	37	1,363
Brewery and Soft Drink Workers	2	13	1	10	1	3	—	—	—	—	—	—
Canadian Auto Workers	25	4,132	22	4,106	3	26	—	—	—	—	—	—
Canadian Paperworkers	8	300	6	286	2	14	—	—	—	—	—	—
Canadian Public Employees (CUPE)	47	1,413	25	781	10	191	2	12	—	—	10	429
Clothing and Textile Workers	1	75	1	75	—	—	—	—	—	—	—	—
Electrical Workers (UE)	1	4	1	4	—	—	—	—	—	—	—	—
Energy and Chemical Workers	7	82	4	46	2	9	—	—	—	—	1	27
Food and Commercial Workers	27	483	15	259	4	24	—	—	3	24	5	176
Graphic Communications Union	7	388	7	388	—	—	—	—	—	—	—	—
Hotel Employees	8	203	8	203	—	—	—	—	—	—	—	—
Ladies Garment Workers	1	27	1	27	—	—	—	—	—	—	—	—
Machinists	4	102	4	102	—	—	—	—	—	—	—	—
Newspaper Guild	11	357	8	267	—	—	—	—	—	—	3	90
Office and Professional Employees	2	97	—	—	1	11	—	—	—	—	1	86
Ontario Public Service Employees	25	597	12	242	3	36	4	75	—	—	6	244
Postal Workers	1	7	1	7	—	—	—	—	—	—	—	—
Retail Wholesale Employees	17	333	9	204	2	30	—	—	4	50	2	49
Service Employees International	42	873	33	685	2	15	2	24	—	—	5	149
Theatrical Stage Employees	1	3	1	3	—	—	—	—	—	—	—	—
Transit Union (International)	3	42	2	30	—	—	—	—	—	—	1	12
United Steelworkers	37	1,589	32	1,429	2	59	—	—	—	—	3	101
United Textile Workers	1	57	1	57	—	—	—	—	—	—	—	—
Woodworkers	5	138	4	111	—	—	—	—	1	27	—	—

Table 15 (Cont'd)

Occupational Groups in Bargaining Units Certified by Union  
Fiscal Year 1989-90

Unions	All Groups			Production & Related			Office, Clerical & Technical			Professional			Sales			Other		
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
<b>Non-CLC Affiliates</b>	<b>330</b>	<b>5,869</b>	<b>272</b>	<b>3,816</b>	<b>15</b>	<b>239</b>	<b>33</b>	<b>1,720</b>	<b>—</b>	<b>—</b>	<b>10</b>	<b>94</b>						
Allied Health Professionals	5	45	3	23	2	22	—	—	—	—	—	—	—	—	—	—	—	—
Boilermakers	4	74	4	74	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Bricklayers International	1	3	1	3	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Carpenters	47	463	47	463	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Canadian Operating Engineers	2	45	1	28	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Canadian Transit Union	11	280	5	239	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Christian Labour Association	9	121	9	121	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Communications Workers (AMER)	3	61	2	50	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Electrical Workers (IBEW)	18	163	15	123	1	4	—	—	—	—	—	—	—	—	—	—	—	—
Guards Association	1	128	1	128	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Independent Local Union	15	415	6	171	5	126	2	108	—	—	2	10	—	—	—	—	—	—
International Operating Engineers	28	312	27	297	—	—	1	15	—	—	—	—	—	—	—	—	—	—
Labourers	82	669	82	669	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Ontario English Catholic Teachers	1	118	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Ontario Nurses Association	9	165	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Ontario Public School Teachers	7	1,101	—	—	—	—	7	1,101	—	—	—	—	—	—	—	—	—	—
Ontario Secondary School Teachers	14	377	2	150	3	43	9	184	—	—	—	—	—	—	—	—	—	—
Painters	16	125	16	125	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Plant Guard Workers	6	100	6	100	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Plumbers	12	132	12	132	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sheet Metal Workers	4	33	4	33	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Structural Iron Workers	4	23	4	23	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sudbury Mine Workers	1	4	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Teamsters	27	798	23	777	3	17	—	—	—	—	—	—	—	—	—	—	—	—
Textile Processors	1	47	1	47	—	—	—	—	—	—	—	—	—	—	—	—	—	—
United Auto Workers	2	67	1	40	1	27	—	—	—	—	—	—	—	—	—	—	—	—

Tableau 15 (suite)

Groupes d'occupations des unités de négociation accréditées selon le syndicat  
Exercice 1989-1990

Groupe d'occupations												
Syndicats	Tous les groupes et connexes	Production		Bureau		Professionnels		Vente		Autres		
		Nbre	Empl.	Nbre	Empl.	Nbre	Empl.	Nbre	Empl.	Nbre	Empl.	
Syndicats non affiliés au CTC	330	5 869	272	3 816	15	239	33	1 720	—	—	10	94
Association chrétienne du travail	9	121	9	121	—	—	—	—	—	—	—	—
Association des gardiens	1	128	1	128	—	—	—	—	—	—	—	—
Association des infirmières de l'Ontario	9	165	—	—	—	—	9	165	—	—	—	—
Carnionneurs	27	798	23	777	3	17	—	—	—	—	1	4
Charpentiers	47	463	47	463	—	—	—	—	—	—	—	—
Chaudronniers	4	74	4	74	—	—	—	—	—	—	—	—
Employés du traitement des textiles	1	47	1	47	—	—	—	—	—	—	—	—
Enseignants catholiques de langue anglaise de l'Ontario	1	118	—	—	—	—	1	118	—	—	—	—
Enseignants des écoles publiques de l'Ontario	7	1 101	—	—	—	—	7	1 101	—	—	—	—
Enseignants des écoles secondaires de l'Ontario	14	377	2	150	3	43	9	184	—	—	—	—
Gardiens d'usine	6	100	6	100	—	—	—	—	—	—	—	—
Journalliers	82	669	82	669	—	—	—	—	—	—	—	—
Ouvriers en électricité (FIOE)	18	163	15	123	1	4	—	—	—	—	2	36
Peintres	16	125	16	125	—	—	—	—	—	—	—	—
Plombiers	12	132	12	132	—	—	—	—	—	—	—	—
Professionnels unis de la santé	5	45	3	23	2	22	—	—	—	—	—	—
Syndicat canadien des techniciens de chaufferies	2	45	1	28	—	—	—	—	—	—	1	17
Syndicat canadien indépendant du transport	11	280	5	239	—	—	4	29	—	—	2	12
Syndicat local indépendant	15	415	6	171	5	126	2	108	—	—	2	10
Travailleurs de fer structural	4	23	4	23	—	—	—	—	—	—	1	4
Travailleurs des mines de Sudbury	1	4	—	—	—	—	—	—	—	—	—	—
Travailleurs du métal en feuilles	4	33	4	33	—	—	—	—	—	—	—	—
Travailleurs en communications (AMÉR.)	3	61	2	50	—	—	—	—	—	—	1	11
Travailleurs unis de l'automobile	2	67	1	40	1	27	—	—	—	—	—	—
Union internationale des briqueteurs	1	3	1	3	—	—	—	—	—	—	—	—
Union internationale des opérateurs de machines lourdes	28	312	27	297	—	—	1	15	—	—	—	—





Tableau 14 (suite)

Groupes d'occupations des unités de négociation accréditées selon l'industrie  
Exercice 1989-1990

Industrie	Groupe d'occupations											
	Tous les groupes connextes			Production et connextes		Bureau et techniques		Professionnels		Vente		Autres
	Nbre	Empl.	Nbre	Empl.	Nbre	Empl.	Nbre	Empl.	Nbre	Empl.	Nbre	Empl.
Toutes les industries	613	17 184	470	13 138	47	657	41	1 831	8	101	47	1 457
Autres secteurs	506	10 044	380	6 302	37	564	40	1 816	8	101	41	1 261
Mines, carrières	5	329	5	329	—	—	—	—	—	—	—	—
Transport	23	789	21	773	1	4	—	—	—	—	1	12
Entreposage	2	14	1	3	1	11	—	—	—	—	—	—
Communications	1	17	1	17	—	—	—	—	—	—	—	—
Electricité, gaz, eau	8	157	6	127	1	11	—	—	—	—	1	19
Commerce en gros	16	242	15	215	1	27	—	—	—	—	—	—
Vente au détail	22	461	7	146	1	4	—	—	8	101	6	210
Finances, assurances, assureurs	2	17	—	—	2	17	—	—	—	—	—	—
Immobilier, compagnies d'assurance	14	106	12	83	1	6	—	—	—	—	1	17
Education et services connextes	48	2 475	9	318	8	198	22	1 562	—	—	9	397
Santé et bien-être	115	2 805	66	1 770	11	189	18	254	—	—	20	592
Services de loisirs	2	15	2	15	—	—	—	—	—	—	—	—
Services de gestion	6	279	5	274	1	5	—	—	—	—	—	—
Services personnels	2	57	2	57	—	—	—	—	—	—	—	—
Hébergement et restauration	18	325	17	319	1	6	—	—	—	—	—	—
Autres services	24	399	18	328	6	71	—	—	—	—	—	—
Administration locale	14	211	9	182	2	15	—	—	—	—	3	14
Construction	184	1 346	184	1 346	—	—	—	—	—	—	—	—

Tableau 14

Groupes d'occupations des unités de négociation accréditées selon l'industrie  
Exercice 1989-1990

Groupe d'occupations													
Industrie	Tous les groupes			Production et connexes		Bureau et techniques		Professionnels		Vente		Autres	
	Nbre	Empl.		Nbre	Empl.	Nbre	Empl.	Nbre	Empl.	Nbre	Empl.	Nbre	Empl.
Toutes les industries	613	17 184		470	13 138	47	657	41	1 831	8	101	47	1 457
Secteur de la fabrication	107	7 140		90	6 836	10	93	1	15	—	—	6	196
Aliments et boissons	16	317		10	261	5	41	1	15	—	—	—	—
Caoutchouc, plastiques	5	184		5	184	—	—	—	—	—	—	—	—
Cuir	1	6		—	—	1	6	—	—	—	—	—	—
Textile	4	57		4	57	—	—	—	—	—	—	—	—
Tricot	1	57		1	57	—	—	—	—	—	—	—	—
Vêtement	1	153		1	153	—	—	—	—	—	—	—	—
Bois	12	552		11	547	1	5	—	—	—	—	—	—
Meuble et articles d'ameublement	4	354		4	354	—	—	—	—	—	—	—	—
Papier	2	67		2	67	—	—	—	—	—	—	—	—
Impression et édition	18	720		14	619	—	—	—	—	—	—	4	101
Métal de première fusion	1	11		1	11	—	—	—	—	—	—	—	—
Métaux ouvrés	15	2 423		14	2 411	1	12	—	—	—	—	—	—
Machines	4	574		3	551	1	23	—	—	—	—	—	—
Équipement de transport	11	1 328		10	1 322	1	6	—	—	—	—	—	—
Appareils et matériel électriques	4	136		2	41	—	—	—	—	—	—	2	95
Minéraux non métalliques	5	102		5	102	—	—	—	—	—	—	—	—
Autres	3	99		3	99	—	—	—	—	—	—	—	—

**Tableau 13 (suite)**

**Statut des employés des unités de négociation accréditées selon le syndicat**  
**Exercice 1989-1990**

Syndicat	Statut									
	Toutes les unités		Plein t.		T. partiel		Plein t. et t. partiel		Tous les Empl. sans exception	
	Nbre	Empl.	Nbre	Empl.	Nbre	Empl.	Nbre	Empl.	Nbre	Empl.
<b>Syndicats non affiliés au CTC</b>	<b>330</b>	<b>5 869</b>	<b>43</b>	<b>1 381</b>	<b>22</b>	<b>1 519</b>	<b>19</b>	<b>283</b>	<b>246</b>	<b>2 686</b>
Association chrétienne du travail	9	121	1	12	—	—	2	36	6	73
Association des gardiens	1	128	1	128	—	—	—	—	—	—
Association des infirmières de l'Ontario	9	165	4	81	5	84	—	—	—	—
Camionneurs	27	798	12	278	1	50	5	88	9	382
Charpentiers	47	463	2	212	—	—	1	2	44	249
Chaudronniers	4	74	—	—	—	—	—	—	4	74
Employés du traitement des textiles	1	47	—	—	—	—	—	—	1	47
Enseignants catholiques de langue anglaise de l'Ontario	1	118	—	—	1	118	—	—	—	—
Enseignants des écoles publiques de l'Ontario	7	1 101	—	—	7	1 101	—	—	—	—
Enseignants des écoles secondaires de l'Ontario	14	377	2	171	3	52	1	10	8	144
Gardiens d'usine	6	100	3	91	1	3	2	6	—	—
Journaliers	82	669	2	8	—	—	1	44	79	655
Ouvriers en électricité (FIOE)	18	163	2	36	—	—	2	10	14	83
Peintres	16	125	1	8	—	—	1	10	14	107
Plombiers	12	132	—	—	—	—	—	—	12	132
Professionnels unis de la santé	5	45	2	23	1	9	1	8	2	45
Syndicat canadien des techniciens de chaufferies	2	45	—	—	—	—	—	—	1	2
Syndicat canadien indépendant du transport	11	280	2	14	—	—	1	13	8	253
Syndicat local indépendant	15	415	5	227	3	102	—	—	7	86
Travailleurs de fer structural	4	23	—	—	—	—	—	—	4	23
Travailleurs des mines de Sudbury	1	4	—	—	—	—	—	—	1	4
Travailleurs du métal en feuilles	4	33	—	—	—	—	—	—	4	33
Travailleurs en communications (AMÉR.)	3	61	1	10	—	—	—	—	2	51
Travailleurs unis de l'automobile	2	67	2	67	—	—	—	—	—	—
Union internationale des briqueteurs	1	3	—	—	—	—	—	—	1	3
Union internationale des opérateurs de machines lourdes	28	312	1	15	—	—	2	60	25	237

Tableau 13  
Statut des employés des unités de négociation accréditées selon le syndicat  
Exercice 1989-1990

Syndicats	Statut									
	Toutes les unités		Plein t.		T. partiel		Plein t. et t. partiel		Tous les empl. sans exception	
	Nbre	Empl.	Nbre	Empl.	Nbre	Empl.	Nbre	Empl.	Nbre	Empl.
Tous les syndicats										
	613	17 184	134	4 437	29	1 574	91	5 025	359	6 148
Syndicats affiliés au CTC										
	283	11 315	91	3 056	7	55	72	4 742	113	3 462
Employés d'hôtels	8	203	3	38	—	—	3	44	2	121
Employés de gros et de détail	17	333	8	135	—	—	5	130	4	68
Employés de la fonction publique de l'Ontario	25	597	9	184	—	—	7	113	9	300
Employés de la scène	1	3	—	—	—	—	—	—	1	3
Employés professionnels et de bureau	2	97	1	86	—	—	—	—	1	11
La guilde des journalistes	11	357	8	316	—	—	3	41	—	—
Machinistes	4	102	—	—	—	—	2	45	2	57
Métallurgistes unis	37	1 589	4	248	1	3	10	655	22	683
Ouvriers de l'électricité (OUE)	1	4	1	4	—	—	—	—	—	—
Ouvriers du vêtement pour dames	1	27	1	27	—	—	—	—	—	—
Ouvriers unis des textiles	1	57	—	—	—	—	—	—	1	57
Postiers	1	7	1	7	—	—	—	—	—	—
Syndicat canadien de la Fonction publique (SCFP)	47	1 413	14	340	1	20	11	474	21	579
Syndicat canadien des travailleurs du papier	8	300	2	208	—	—	2	35	4	57
Syndicat uni du transport	3	42	1	12	1	11	—	—	1	19
Syndicats des communications graphiques	7	388	3	23	—	—	—	—	4	365
Travailleurs canadiens de l'automobile	25	4 132	8	858	—	—	6	2 730	11	544
Travailleurs de l'alimentation et du commerce	27	483	12	116	1	11	8	233	6	123
Travailleurs de l'énergie et de la chimie	7	82	2	32	—	—	2	20	3	30
Travailleurs des brasseries, liqueurs douces	2	13	1	10	—	—	—	—	1	3
Travailleurs du bois	5	138	1	37	—	—	1	27	3	74
Travailleurs du vêtement et du textile	1	75	1	75	—	—	—	—	—	—
Union internationale des employés des services	42	873	10	300	3	10	12	195	17	368



**Tableau 12 (suite)**

**Statut des employés des unités de négociation accréditées selon l'industrie**  
**Exercice 1989-1990**

Industrie	Statut									
	Toutes les unités		Plein t.		T. partiel		Plein t. et t. partiel		Tous les empl. sans exception	
	Nbre	Empl.	Nbre	Empl.	Nbre	Empl.	Nbre	Empl.	Nbre	Empl.
<b>Toutes les industries</b>	<b>613</b>	<b>17 184</b>	<b>134</b>	<b>4 437</b>	<b>29</b>	<b>1 574</b>	<b>91</b>	<b>5 025</b>	<b>359</b>	<b>6 148</b>
<b>Autres secteurs</b>	<b>506</b>	<b>10 044</b>	<b>93</b>	<b>2 341</b>	<b>29</b>	<b>1 574</b>	<b>68</b>	<b>1 758</b>	<b>316</b>	<b>4 371</b>
Mines, carrières	5	329	1	37	—	—	4	292	—	—
Transport	23	789	7	121	1	50	1	2	14	616
Entreposage	2	14	1	11	—	—	—	—	1	3
Communications	1	17	—	—	—	—	1	17	—	—
Electricité, gaz, eau	8	157	5	147	—	—	1	2	2	8
Commerce en gros	16	242	4	80	1	3	4	55	7	104
Vente au détail	22	461	9	126	1	11	9	295	3	29
Finances, assurances, assureurs	2	17	—	—	—	—	—	—	2	17
Immobilier, compagnies d'assurance	14	106	4	29	2	8	2	19	6	50
Éducation et services connexes	48	2 475	8	476	14	1 388	4	208	22	403
Santé et bien-être	115	2 805	35	889	8	98	29	663	43	1 155
Services de loisirs	2	15	—	—	—	—	—	—	2	15
Services de gestion	6	279	3	208	—	—	—	—	3	71
Services personnels	2	57	1	10	—	—	—	—	1	47
Hébergement et restauration	18	325	6	67	—	—	7	102	5	156
Autres services	24	399	5	60	—	—	2	14	17	325
Administration locale	14	211	4	80	2	16	4	89	4	26
Construction	184	1 346	—	—	—	—	—	—	184	1 346

Tableau 12

Statut des employés des unités de négociation accréditées selon l'industrie  
Exercice 1989-1990

Industrie	Statut									
	Toutes les unités		Plein t.		T. partiel		Plein t. et t. partiel		Tous les empl. sans exception	
	Nbre	Empl.	Nbre	Empl.	Nbre	Empl.	Nbre	Empl.	Nbre	Empl.
<b>Toutes les industries</b>	<b>613</b>	<b>17 184</b>	<b>134</b>	<b>4 437</b>	<b>29</b>	<b>1 574</b>	<b>91</b>	<b>5 025</b>	<b>359</b>	<b>6 148</b>
<b>Secteur de la fabrication</b>	<b>107</b>	<b>7 140</b>	<b>41</b>	<b>2 096</b>	<b>—</b>	<b>—</b>	<b>23</b>	<b>3 267</b>	<b>43</b>	<b>1 777</b>
Aliments et boissons	16	317	9	127	—	—	3	58	4	132
Caoutchouc, plastiques	5	184	1	10	—	—	2	112	2	62
Cuir	1	6	—	—	—	—	—	—	1	6
Textile	4	57	1	2	—	—	2	32	1	23
Tricot	1	57	—	—	—	—	—	—	1	57
Vêtement	1	153	—	—	—	—	1	153	—	—
Bois	12	552	5	339	—	—	2	86	5	127
Meuble et articles d'ameublement	4	354	2	233	—	—	—	—	2	121
Papier	2	67	—	—	—	—	—	—	1	53
Impression et édition	18	720	11	347	—	—	3	41	4	332
Métal de première fusion	1	11	—	—	—	—	—	—	1	11
Métaux ouvrés	15	2 423	6	591	—	—	3	1 589	6	243
Machines	4	574	2	63	—	—	1	492	1	19
Équipement de transport	11	1 328	3	380	—	—	3	584	5	364
Appareils et matériel	—	—	—	—	—	—	—	—	—	—
Électriques	4	136	1	4	—	—	1	90	2	42
Minéraux non métalliques	5	102	—	—	—	—	1	16	4	86
Autres	3	99	—	—	—	—	—	—	3	99

Tableau 11					
Temps de traitement des requêtes en accréditation accordées*					
Exercice 1989-1990					
Jours civils (Y compris les ajour- nements à la demande des parties)	Total- requêtes accordées	Non reliées à l'industrie de la construction	Nombre %	Cumulatif %	Construction
Total	573	100,0	391	100,0	182
Moins de 8 jours	1	0,2	—	—	1
8 à 14 jours	12	2,3	—	—	12
15 à 21 jours	44	9,9	4	1,0	40
22 à 28 jours	139	34,2	109	28,9	30
29 à 35 jours	103	52,2	87	51,2	16
36 à 42 jours	54	61,6	46	62,9	8
43 à 49 jours	31	67,0	23	68,8	8
50 à 56 jours	26	71,6	17	73,1	9
57 à 63 jours	22	75,4	18	77,7	4
64 à 70 jours	18	78,5	9	80,1	9
71 à 77 jours	19	81,8	15	83,9	4
78 à 84 jours	10	83,6	8	85,9	2
85 à 91 jours	7	84,8	4	87,0	3
92 à 98 jours	4	85,5	2	87,5	2
99 à 105 jours	7	86,7	6	89,0	1
106 à 126 jours	18	89,9	12	92,1	6
127 à 147 jours	11	91,8	9	94,4	2
148 à 168 jours	12	93,9	6	95,9	6
Plus de 168 jours	35	100,0	16	100,0	19
* Ne porte que sur les requêtes en accréditation accordées. Il ne faut pas confondre ce tableau avec le Tableau 7, qui porte sur toutes les requêtes en accréditation régées pendant l'année, sans tenir compte du mode de règlement.					

Tableau 9 (suite)

Répartition par industrie des requêtes en accrédition reçues et réglées  
Exercice 1989-1990

Industrie	Nombre de requêtes reçues	Nombre de requêtes réglées			
		Total	Accordées	Rejetées*	Retirées
Services personnels	4	3	2	1	—
Hébergement et restauration	27	27	17	6	4
Autres services	24	27	22	1	4
Gouvernement fédéral	1	1	—	1	—
Gouvernement provincial	—	—	—	—	—
Administration locale	16	18	13	2	3
Autres administrations	—	—	—	—	—
Construction	308	285	183	31	71

\* Sont inclus les cas où la procédure a été arrêtée.

Tableau 10

Taille des unités de négociation visées par les requêtes en accrédition accordées  
Exercice 1989-1990

Total		Construction**		Autres secteurs	
Nombre de requêtes	Nombre d'em- ployés	Nombre de requêtes	Nombre d'em- ployés	Nombre de requêtes	Nombre d'em- ployés
573	17 184	183	1 278	390	15 906
<hr/>					
242	1 047	150	597	92	450
131	1 811	24	312	107	1 499
95	2 690	6	170	89	2 520
77	4 684	3	199	74	4 485
18	2 574	—	—	18	2 574
9	2 834	—	—	9	2 834
1	1 544	—	—	1	1 544

500 employés ou plus

200 à 499 employés

100 à 199 employés

40 à 99 employés

20 à 39 employés

10 à 19 employés

2 à 9 employés

Total

Nombre d'employés\*

\* Renvoi au nombre total d'employés d'une ou plusieurs unités de négociation accrédiées dans le cadre d'une requête.  
\*\* Renvoi aux cas traités en vertu des dispositions de la loi relatives à l'industrie de la construction. Il ne faut pas confondre ce chiffre avec le chiffre de 183 requêtes approuvées pour l'industrie de la construction mentionné au Tableau 9, qui comprend toutes les requêtes touchant les employeurs du domaine de la construction, traitées ou non en vertu des dispositions relatives à l'industrie de la loi.



Tableau 9

Répartition par industrie des requêtes en accréditation reçues et réglées  
Exercice 1989-1990

Industrie	Nombre de requêtes reçues	Nombre de requêtes réglées		
		Total	Accordées	Rejetées*
Toutes les industries	910	880	573	147
Secteur de la fabrication	179	165	104	40
Aliments et boissons	24	25	16	8
Produits du tabac	—	—	—	—
Caoutchouc, plastiques	10	7	4	1
Cuir	3	3	1	—
Textile	5	5	4	1
Tricot	1	1	1	—
Vêtement	3	2	1	1
Bois	16	18	12	4
Meuble et articles d'ameublement	8	9	4	4
Papier	7	5	2	2
Impression et édition	23	18	16	1
Métal de première fusion	1	1	1	—
Métaux ouvrés	23	21	15	3
Machines	8	8	4	2
Équipement de transport	16	19	11	6
Appareils et matériel électriques	6	7	4	1
Minéraux non métalliques	6	5	5	—
Pétrole et charbon	—	1	—	1
Produits chimiques	2	1	—	1
Autres	17	9	3	4
Autres secteurs	731	715	469	107
Agriculture	—	—	—	—
Forêtierie	—	—	—	—
Pêche, trappage	—	—	—	—
Mines, carrières	7	7	5	2
Transport	29	38	22	6
Entreposage	2	2	2	—
Communications	3	2	1	—
Electricité, gaz, eau	12	12	8	2
Commerce en gros	23	21	14	3
Vente au détail	26	25	18	5
Finances, Assurances	3	2	2	—
Immobilier	21	16	14	—
Éducation et services connexes	83	97	48	35
Santé et bien-être	110	114	90	9
Organismes religieux	2	2	—	1
Services de loisirs	10	6	2	2
Services de gestion	20	10	6	—

Tableau 8 (suite)

Répartition par syndicat des requêtes en accréditation reçues et réglées  
Exercice 1989-1990

Syndicat	Nombre de requêtes reçues	Nombre de requêtes réglées			Syndicats non affiliés au CTC
		Total	Accordées	Rejetées**	Retirées
Travailleurs unis du papier	1	2	—	2	—
Union internationale des employés des services	46	50	35	5	10
Verre, mouleurs et autres	—	—	—	—	—
travailleurs	1	1	—	1	—
Artisans du film	2	2	—	—	2
Association chrétienne du travail	12	10	8	1	1
Association des gardiens	—	1	1	—	—
Association des infirmières	5	6	6	—	—
de l'Ontario	1	1	—	—	1
Camionneurs	40	43	27	8	8
Charpentiers	81	77	46	9	22
Chaudronniers	4	6	4	1	1
Employés de communications et	1	1	—	—	1
travailleurs connexes	10	8	1	6	1
Employés du traitement des textiles	2	2	1	1	—
Enseignants des écoles publiques	6	8	7	1	—
de l'Ontario	22	18	14	4	—
Gardiens d'usine	6	6	6	—	—
Isolateurs en amiante	—	1	—	1	—
Journaliers	156	132	82	23	27
Ouvriers en électricité (FIOE)	28	33	17	6	10
Peintres	26	26	16	4	6
Plombiers	18	21	11	5	5
Professionnels unis de la santé	3	3	3	—	—
Syndicat canadien des techniciens	5	2	2	—	—
de chaufferies	9	13	11	1	1
Syndicat local indépendant	38	34	15	9	10
du transport	7	11	4	2	5
Travailleurs de fer structural	2	2	2	—	—
Travailleurs de l'automobile	2	1	1	—	—
Travailleurs des mines de Sudbury	6	9	4	3	2
Travailleurs du métal en feuilles	2	2	2	—	—
Union internationale des briqueteurs	2	5	1	4	—
opérateurs de machines lourdes	31	36	28	3	5

Tableau 8

Répartition par syndicat des requêtes en accréditation reçues et réglées  
Exercice 1989-1990

Syndicat	Nombre de requêtes reçues	Nombre de requêtes réglées		
		Total	Accordées	Rejetées**
Tous les syndicats	910	880	573	147
Syndicats affiliés au CTC*	385	362	255	55
Cheminois, employés des transports et autres ouvriers	4	4	—	2
Employés d'hôtels	7	8	8	—
Employés de gros et de détail	25	23	16	4
Employés de la fonction publique	20	22	18	2
de l'Ontario	3	2	1	1
Employés de la scène	—	—	—	—
Employés professionnels et de bureau	3	2	2	—
La guilde des journalistes	8	9	9	—
Machinistes	10	10	4	3
Métallurgistes unis	64	48	34	7
Ouvriers de l'aluminium, de la brique et du verre	2	2	—	1
Ouvriers de l'électricité (OUE)	2	1	1	—
Ouvriers du vêtement pour dames	2	2	1	—
Ouvriers unis des textiles	1	1	1	—
Postiers	2	1	1	—
SITBA-Canada	6	—	—	—
Syndicat canadien de la Fonction publique (SCFP)	61	59	42	6
Syndicat canadien des travailleurs du papier	11	8	8	—
Syndicat des communications graphiques	12	8	7	1
Syndicat uni du transport	5	6	3	1
Travailleurs canadiens de l'automobile	34	34	25	6
Travailleurs de l'alimentation et du commerce	33	33	23	7
Travailleurs de l'énergie et de la chimie	9	9	5	2
Travailleurs des brasseries, liqueurs douces	1	2	2	—
Travailleurs du bois	6	9	5	2
Travailleurs du caoutchouc	1	1	—	—
Travailleurs du vêtement et du textile	2	2	1	1
Travailleurs en communication (Amér.)	3	3	3	—

\* Congrès du travail du Canada.

\*\* Sont inclus les cas où la procédure a été arrêtée.

Tableau 7

**Temps de traitement des requêtes et des plaintes réglées  
selon les principaux genres de cas  
Exercice 1989-1990**

Temps requis (Jours civils)	Tous les cas		Accréditation		Article 89		Article 124		Autres cas	
	Régl.	% Cumul.	Régl.	% Cumul.	Régl.	% Cumul.	Régl.	% Cumul.	Régl.	% Cumul.
<b>Total</b>	<b>2 685</b>	<b>100,0</b>	<b>880</b>	<b>100,0</b>	<b>700</b>	<b>100,0</b>	<b>549</b>	<b>100,0</b>	<b>556</b>	<b>100,0</b>
Moins de 8 jours	70	2,6	10	1,1	22	3,1	4	0,7	34	6,1
8 à 14 jours	209	10,4	30	4,5	34	8,0	133	25,0	12	8,3
15 à 21 jours	282	20,9	74	13,0	46	14,6	143	51,0	19	11,7
22 à 28 jours	295	31,9	179	33,3	48	21,4	31	56,6	37	18,6
29 à 35 jours	227	40,3	116	46,5	56	29,4	19	60,1	36	24,8
36 à 42 jours	181	47,1	70	54,4	64	38,6	12	62,3	35	31,1
43 à 49 jours	163	53,1	48	59,9	62	47,4	20	65,9	33	37,1
50 à 56 jours	118	57,4	40	64,4	32	52,0	12	69,6	26	41,7
57 à 63 jours	91	60,9	31	68,0	30	56,3	12	71,8	18	45,0
64 à 70 jours	82	64,0	38	72,3	17	58,7	11	73,8	16	47,8
71 à 77 jours	92	67,4	31	75,8	21	61,7	15	76,5	25	52,3
78 à 84 jours	74	70,2	19	78,0	26	65,4	10	78,3	19	55,8
85 à 91 jours	54	72,7	18	80,0	17	67,9	6	79,4	13	58,1
92 à 98 jours	41	73,7	9	81,0	11	69,4	7	80,7	14	60,6
99 à 105 jours	51	75,6	11	82,3	21	72,4	10	82,5	9	62,2
106 à 126 jours	115	79,9	28	85,5	38	77,9	17	85,6	32	68,0
127 à 147 jours	84	83,0	17	87,4	28	81,9	10	87,4	29	73,2
148 à 168 jours	52	84,9	18	89,4	15	84,0	7	88,7	12	75,4
Plus de 168 jours	404	100,0	93	100,0	112	100,0	62	100,0	137	100,0



Tableau 6

Résultats des scrutins sur le caractère représentatif du syndicat tenus dans les cas réglés\*  
Exercice 1989-1990

Genre de cas	Nombre de scrutins			Employés habiles		Tous les bulletins déposés		Votes pour les syndicats				
	Total	Gagnés	Perdus	Dans les scrutins		Dans les scrutins		Dans les scrutins				
				Total	Gagnés	Perdus	Total	Gagnés	Perdus	Total	Gagnés	Perdus
Total	191	92	99	14 376	7 282	7 094	11 402	5 353	6 049	5 502	3 615	1 887
Accréditation	148	88	60	13 150	7 202	5 948	10 320	5 281	5 039	5 225	3 568	1 657
Avant l'audience												
Un syndicat	42	25	17	4 330	2 361	1 969	2 751	1 186	1 565	1 441	924	517
Deux syndicats	41	37	4	4 700	3 212	1 488	3 976	2 734	1 242	2 217	1 815	402
Industrie de la construction												
Un syndicat	6	3	3	57	11	46	55	11	44	16	11	5
Deux syndicats	1	1	—	2	2	—	2	2	—	2	2	—
Cas ordinaires												
Un syndicat	56	21	35	3 915	1 520	2 395	3 407	1 259	2 148	1 463	740	723
Deux syndicats	2	1	1	146	96	50	129	89	40	86	76	10
Révocation du droit de négocier	40	4	36	816	80	736	724	72	652	163	47	116
Employeur qui succède												
Un syndicat	2	—	2	152	—	152	131	—	131	18	—	18
Deux syndicats	1	—	1	258	—	258	227	—	227	96	—	96

\* Renvoi aux scrutins finaux sur le caractère représentatif du syndicat tenus dans les cas réglés au cours de l'exercice. Il ne faut pas confondre ce tableau avec le Tableau 5, qui renvoie à tous les scrutins tenus au cours de l'année, que le cas ait ou non été réglé pendant l'année.

**Tableau 5**  
**Résultats des scrutins tenus sur le caractère représentatif du syndicat\***  
**Exercice 1989-1990**

BulleTins de vote				En faveur			
				des			
				syndicats			
Genre de cas				Total			
Nbre de				scrutins			
Employés				habilités			
Total				14 881	11 529	5 692	
Accréditation				131	13 364	10 164	5 326
Avant l'audience				35	4 418	2 738	1 514
Un syndicat				36	5 255	4 251	2 471
Industrie de la Construction				5	56	54	15
Un syndicat				1	2	2	2
Cas ordinaires				52	3 487	2 990	1 238
Un syndicat				2	146	129	86
Deux syndicats				46	1 089	994	245
Révocation du droit de négocier				3	170	144	25
Un syndicat				1	258	227	96
Deux syndicats							

\* Porte sur tous les scrutins sur le caractère représentatif du syndicat tenus et les résultats comptés au cours de l'exercice, que le cas ait ou non été réglé pendant l'exercice.

**Tableau 3**  
**Activités des agents des relations de travail dans les cas traités\***  
**Exercice 1989-1990**

Cas pour lesquels le travail est terminé						
Genre de cas	Nombre total de cas affectés	Accord		Com-mission	Sine die	En instance
		Total	Nombre			
<b>Total</b>	<b>2 263</b>	<b>1 492</b>	<b>1 374</b>	<b>92,1</b>	<b>118</b>	<b>436</b>
Accréditation	23	15	15	100,0	—	8
Certificat provisoire	108	94	64	68,1	30	12
Requête avant l'audience	412	385	358	93,0	27	24
Autre requête	749	460	431	93,7	29	225
Infraction à la loi	876	472	453	96,0	19	141
Griets de l'industrie de la construction	31	26	14	53,8	12	4
Statut d'employé	63	40	39	97,5	1	21
Loi sur la santé et la sécurité au travail	1	—	—	—	—	1
Loi sur la protection de l'environnement	1	—	—	—	—	1

\* Sont inclus tous les cas affectés aux agents des relations de travail, qu'ils aient été réglés ou non avant la fin de l'exercice.

**Tableau 4**  
**Accords obtenus par les agents des relations de travail parmi les cas réglés\***  
**Exercice 1989-1990**

Règlement par les agents			
Genre de cas	Nombre total de cas réglés	Nombre	Pourcentage des cas réglés
<b>Total</b>	<b>1 363</b>	<b>1 111</b>	<b>81,4</b>
Infraction à la loi	700	542	77,4
Griets de l'industrie de la construction	549	479	87,2
Statut d'employé	59	44	74,5
Loi sur la santé et la sécurité au travail	55	46	83,6

\* Ne comprennent que les cas dont le traitement est effectué principalement par les agents des relations de travail. Les chiffres renvoient aux cas réglés pendant l'année. Il ne faut pas les confondre avec les données sur le même genre de cas au Tableau 3. Ce dernier renvoie aux nouveaux cas affectés aux agents des relations de travail pendant l'année, qu'ils aient été réglés ou non avant la fin de l'exercice.

Tableau 2

Requêtes et plaintes reçues et réglées  
Exercices 1985-1986 à 1989-1990

Genre de cas	Nombre reçu pendant l'exercice						Nombre réglé pendant l'exercice					
	Total	1985-86	1986-87	1987-88	1988-89	1989-90	Total	1985-86	1986-87	1987-88	1988-89	1989-90
<b>Total</b>	<b>16 908</b>	<b>3 236</b>	<b>3 577</b>	<b>3 583</b>	<b>3 225</b>	<b>3 287</b>	<b>14 936</b>	<b>2 912</b>	<b>3 371</b>	<b>3 112</b>	<b>2 856</b>	<b>2 685</b>
Accréditation d'agents négociateurs	5 032	1 025	1 034	1 125	938	910	4 972	1 034	1 006	1 108	944	880
Révocation du droit de négociier	829	155	171	159	177	167	800	135	191	133	209	132
Déclaration du syndicat ou de l'employeur qui succède à un autre	766	88	175	185	184	134	628	85	190	136	108	109
Déclaration du statut d'employeur unique	458	117	123	77	61	80	403	81	147	62	56	57
Accréditation	10	—	3	1	6	—	7	1	2	1	2	1
Déclaration de grève ou de lock-out illicite	33	6	4	5	7	11	25	5	3	2	6	9
Ordonnance concernant une grève ou un lock-out illicite	283	52	63	49	55	64	200	36	49	35	40	40
Autorisation de poursuivre	37	11	8	9	4	5	33	8	8	5	9	3
Infraction à la loi	4 189	855	862	868	787	817	3 834	758	891	734	751	700
Griefs soumis relativement à l'industrie de la construction	4 095	745	865	865	739	881	3 027	614	664	671	529	549
Divers	1 077	182	232	219	247	197	926	155	189	208	182	192
Ordonnance d'arbitrage d'une première convention	95	—	34	20	20	21	77	—	28	16	20	13
Instances concernant l'arbitrage d'une première convention	4	—	3	1	—	—	4	—	3	1	—	—



Tableau 1 (suite)

Nombre total de requêtes et de plaintes reçues, réglées et en instance  
Exercice 1989-1990

Genre de cas	Nombre de cas				Réglées pendant l'exercice 1989-1990								En instance 31 mars 90
	Total	En instance 1er avril 89	Requies exercice 89-90	Total	Accor- dées	Arêt de procéd.	Retirées	Entente	Sine die				
		926	3 287							2 685	792	322	
Total	4 213												
Conflit de juridiction	67	40	27	30	2	6	7	11	4	6	31		
Renvoi concernant le statut d'employé***	88	33	55	59	7	5	3	19	25	3	26		
Renvoi par le ministre concernant la désignation d'un conciliateur ou d'un arbitre	2	—	2	—	—	—	—	—	—	—	2		
Griefs soumis relativement à l'industrie de la construction	993	112	881	549	37	15	18	154	325	282	162		
Renvoi par le ministre concernant un organisme de négociation de l'industrie de la construction	1	1	—	1	—	—	1	—	—	—	—		
Plaintes en vertu de la Loi sur la santé et la sécurité au travail	136	73	63	55	—	4	5	8	38	5	76		
Loi sur la protection de l'environnement	2	1	1	1	1	—	—	—	—	—	1		
Ordonnance d'arbitrage d'une première convention	21	—	21	13	4	—	1	6	2	1	7		
Dispositions sur l'arbitrage	1	—	1	1	—	1	—	—	—	—	—		
Détermination du secteur du travail de construction	2	—	2	—	—	—	—	—	—	—	2		

\* Sorti inclus les cas où une demande a été accordée ou une décision a été rendue par la Commission.

\*\* Le nombre total de cas comprend dix requêtes présentées en vertu de la Loi sur la négociation collective dans les collèges.

\*\*\* Comprend 4 requêtes présentées en vertu de la Loi sur la négociation collective dans les collèges.

Tableau 1

Nombre total de requêtes et de plaintes reçues, réglées et en instance  
Exercice 1989-1990

Genre de cas	Nombre de cas			Réglées pendant l'exercice 1989-1990							
	En instance 1er avril		Reçues exercice 89-90	Total	Accor- dées	Rejetées procéd.	Arrêt de	Retirées	Entente	En instance 31 mars 90	
Total	4 213	926	3 287	2 685	792	322	108	639	824	493	1 035

Accréditation d'agents négociateurs	1 137	227	910	880	573	117	30	160	—	31	226
Révocation du droit de négocier	197	30	167	132	69	33	3	26	1	3	62
Déclaration du syndicat qui succède à un autre	23	10	13	23	17	—	4	2	—	—	—
Déclaration de l'employeur qui succède ou du statut d'employeur unique	350	149	201	143	21	12	6	23	81	57	150
Accréditation	6	6	—	1	1	—	—	—	—	—	5
Déclaration de grève illicite	11	—	11	8	1	—	—	5	2	—	3
Déclaration de lock-out illicite	1	1	—	1	—	1	—	—	—	—	—
Ordonnance — grève illicite	63	4	59	36	13	5	3	6	9	19	8
Ordonnance — lock-out illicite	5	—	5	4	1	—	—	2	1	—	1
Autorisation de poursuivre	6	1	5	3	—	—	1	1	1	—	3
Infraction à la loi**	1 050	233	817	700	17	117	24	208	334	86	264
Droit d'accès	1	—	1	1	1	—	—	—	—	—	—
Exemption des disposi- tions sur la sécurité syndicale de la convention collective	14	1	13	11	3	5	—	2	1	—	3
Expiration prématurée de la convention collective	29	2	27	27	23	1	1	2	—	—	2
Bilan du syndicat	7	2	5	6	1	—	1	4	—	—	1

(suite)

# IX TABLEAUX STATISTIQUES

Les statistiques suivantes reflètent les activités de la Commission des relations de travail de l'Ontario au cours de l'exercice 1989-1990.

- Tableau 1 : Nombre total de requêtes et de plaintes reçues, réglées et en instance pour l'exercice 1989-1990.
- Tableau 2 : Requêtes et plaintes reçues et réglées pendant les exercices 1985-1986 à 1989-1990.
- Tableau 3 : Activités des agents des relations de travail dans les cas traités pendant l'exercice 1989-1990.
- Tableau 4 : Accords obtenus par les agents des relations de travail parmi les cas réglés pendant l'exercice 1989-1990.
- Tableau 5 : Résultats des scrutins tenus sur le caractère représentatif du syndicat pendant l'exercice 1989-1990.
- Tableau 6 : Résultats des scrutins sur le caractère représentatif du syndicat tenus dans les cas réglés pendant l'exercice 1989-1990.
- Tableau 7 : Temps de traitement des requêtes et des plaintes réglées selon les principaux genres de cas, pendant l'exercice 1989-1990.
- Tableau 8 : Répartition par syndicat des requêtes en accreditatation reçues et réglées pendant l'exercice 1989-1990.
- Tableau 9 : Répartition par industrie des requêtes en accreditatation reçues et réglées pendant l'exercice 1989-1990.
- Tableau 10 : Taille des unités de négociation visées par les requêtes en accreditatation accordées pendant l'exercice 1989-1990.
- Tableau 11 : Temps de traitement des requêtes en accreditatation accordées pendant l'exercice 1989-1990.
- Tableau 12 : Statut des employés des unités de négociation accréditées, selon l'industrie, pendant l'exercice 1989-1990.
- Tableau 13 : Statut des employés des unités de négociation accréditées, selon le syndicat, pendant l'exercice 1989-1990.
- Tableau 14 : Groupes d'occupations des unités de négociation accréditées, selon l'industrie, pendant l'exercice 1989-1990.
- Tableau 15 : Groupes d'occupations des unités de négociation accréditées, selon le syndicat, pendant l'exercice 1989-1990.

VIII PERSONNEL ET BUDGET

À la fin de l'exercice 1989-1990, la Commission employait un total de 118 personnes à plein temps. Le personnel de la Commission est réparti dans deux groupes. Le président, le président suppléant, les vice-présidents et les membres sont nommés par le lieutenant-gouverneur en conseil. Le personnel administratif, régional et de soutien vient de la fonction publique.

Le budget total de la Commission des relations de travail de l'Ontario pour l'exercice s'élevait à 8 548 300 \$.



## VII PUBLICATIONS DE LA COMMISSION

Voici une description des publications de la Commission des relations de travail de l'Ontario :

*Ontario Labour Relations Board Reports* : Une publication mensuelle présentant certaines décisions de la Commission et d'autres renseignements et statistiques sur les instances devant la Commission.

*Guide, Loi sur les relations de travail de l'Ontario* : Une brochure qui explique dans un langage non technique les dispositions de la *Loi sur les relations de travail* et les pratiques de la Commission. Cette publication est modifiée régulièrement afin de refléter la loi et les pratiques courantes. Le guide est également disponible en anglais.

*Monthly Highlights* : Un feuillet mensuel qui présente des notes de contenu sur les décisions importantes de la Commission. Cette publication comprend également des avis de la Commission présentant un intérêt pour le milieu des relations industrielles et des renseignements concernant la nomination de nouveaux membres ou autres changements au sein de la Commission.

*Brochures* : Jusqu'à maintenant, la Commission a publié trois brochures. Deux d'entre elles, "Droits des employés, des employeurs et des syndicats" et "Accréditation de la Commission des relations de travail de l'Ontario", sont disponibles en français, en anglais, en italien et en portugais. La troisième brochure, intitulée "Recours à la Commission des relations de travail de l'Ontario en cas de pratiques déloyales", décrit les instances concernant les pratiques déloyales dont est saisie la Commission, et comprend des instructions utiles sur la façon de remplir la formule 58, utilisée pour amorcer les poursuites.

Pour obtenir les publications de la Commission, il suffit d'appeler, d'écrire ou de se rendre aux bureaux de la Commission. La publication "Ontario Labour Relations Board Reports" est disponible sur abonnement annuel (numéros de janvier à décembre inclusivement), dont le prix est actuellement de 125 \$. On peut se procurer un exemplaire des recueils individuels à la Librairie du gouvernement de l'Ontario. Les bons de commande pour l'abonnement peuvent être obtenus auprès de la Commission.

l'arbitrage le règlement de la convention; ensuite, si l'ordonnance est rendue, elles peuvent choisir de faire arbitrer le règlement par la Commission ou un conseil d'arbitrage privé.

En 1989-1990, la Commission a reçu 21 requêtes déposées en vue d'obtenir une ordonnance de règlement d'une première convention collective par l'arbitrage. L'ordonnance a été rendue dans quatre cas, huit cas ont fait l'objet d'une entente ou d'un retrait, la procédure a été arrêtée ou ajournée sine die dans deux cas et sept cas étaient en instance au 31 mars 1990.

### Dispositions sur l'arbitrage

Une requête a été déposée en vertu du paragraphe 44(3) demandant à la Commission de modifier les dispositions d'une convention collective concernant l'arbitrage. La requête a été rejetée.

### Détermination du secteur de l'industrie de la construction

Deux requêtes ont été déposées en vertu de l'article 150, par lesquelles on demandait à la Commission de déterminer si les travaux de construction en question relevaient du secteur industriel, commercial et institutionnel. Les deux cas étaient toujours en instance au 31 mars 1990.

### Loi sur la santé et la sécurité au travail et Loi sur la protection de l'environnement

En 1989-1990, la Commission a reçu 63 plaintes en vertu de l'article 24 de la *Loi sur la santé et la sécurité au travail* et une plainte en vertu du paragraphe 134 (b) de la *Loi sur la protection de l'environnement*. Selon ces plaintes, des employés auraient été pénalisés ou renvoyés à tort pour avoir agi conformément aux lois. Soixante-quatorze cas ont été reportés de l'exercice précédent.

Sur les 56 cas traités, 46 ont été réglés ou retirés par les parties après discussion avec les agents des relations de travail. Une requête a été accordée, quatre ont été rejetées, la procédure a été arrêtée ou ajournée sine die dans dix cas et les 77 autres étaient en instance au 31 mars 1990.

### Loi sur la négociation collective dans les collèges d'arts appliqués et de technologie

Dix plaintes de prétendues infractions à la loi ont été traitées en vertu de l'article 78 de la *Loi sur la négociation collective dans les collèges*. Un cas a été rejeté, quatre ont fait l'objet d'une entente ou d'un retrait, un a été ajourné sine die et quatre étaient toujours en instance au 31 mars 1990.

Quatre requêtes ont été traitées en vertu de l'article 82 de la loi relativement à la classification de personnes en tant qu'employés en vertu de la loi. La Commission a rendu une décision dans un cas, pour lequel cinq personnes touchées par la requête n'ont pas été incluses dans l'unité de négociation, deux cas ont fait l'objet d'une entente et un cas était en instance au 31 mars 1990.

Le Tableau 1 comprend des statistiques sur les cas soumis à la Commission en vertu de la *Loi sur la négociation collective dans les collèges*.

## Expiration prématurée de la convention collective

Vingt-neuf requêtes présentées en vertu du paragraphe 52(3) de la loi demandant l'expiration prématurée de conventions collectives ont été traitées. On a accédé à la requête dans 23 cas, une requête a été rejetée, deux ont été retirées, la procédure a été arrêtée dans un cas et deux cas étaient en instance au 31 mars 1990.

## Bilan des syndicats

On a traité sept plaintes présentées en vertu de l'article 85 de la loi alléguant le défaut du syndicat de fournir aux membres son bilan vérifié. Une plainte a été acceptée, quatre ont été retirées, la procédure a été arrêtée dans un cas et un cas était en instance au 31 mars 1990.

## Conflits de juridiction

Soixante-sept plaintes ont été traitées en vertu de l'article 91 de la loi portant sur la juridiction de travail des syndicats. La Commission a ordonné l'affectation du travail faisant l'objet du litige dans deux cas, six cas ont été rejetés, 15 ont fait l'objet d'une entente ou d'un retrait, la procédure a été arrêtée dans sept cas, l'instance a été ajournée sine die dans six cas, et 31 cas étaient en cours au 31 mars 1990.

## Détermination de la classification d'une personne

La Commission a été saisie de 84 requêtes présentées en vertu du paragraphe 106(2) de la loi en vue d'obtenir une décision sur la classification de personnes en tant qu'employés en vertu de la loi. Quarante-deux cas ont été réglés ou retirés par les parties après discussion avec les agents des relations de travail. La Commission a rendu une décision dans six cas, pour lesquels 53 des 110 personnes faisant l'objet du litige ont été jugées employées en vertu de la loi. Cinq requêtes ont été rejetées, la procédure a été arrêtée dans trois cas, l'instance a été ajournée sine die dans trois cas et 25 cas étaient en cours au 31 mars 1990.

## Renvoi de questions par le ministre du Travail

En 1989-1990, la Commission a traité deux cas renvoyés par le ministre en vertu de l'article 107 de la loi afin d'obtenir des opinions ou faire trancher des questions touchant le pouvoir du ministre de désigner un conciliateur en vertu de l'article 16 de la loi ou un arbitre en vertu des articles 44 ou 45. Les deux cas étaient toujours en instance au 31 mars 1990.

Un cas a été renvoyé à la Commission par le ministre en vertu du paragraphe 139(4) de la loi concernant la désignation des organismes des employés et des employeurs relativement à la négociation dans le secteur industriel, commercial et institutionnel de l'industrie de la construction. La procédure de cette affaire a été arrêtée.

## Rapports de mise en tutelle

Au cours de l'exercice, deux déclarations ont été déposées devant la Commission indiquant que des syndicats locaux avaient été mis en tutelle.

## Arbitrage d'une première convention

Le 26 mai 1986, on a ajouté à la *Loi sur les relations de travail* l'article 40a afin de permettre le règlement d'une première convention collective par arbitrage. Le processus comprend deux étapes : les parties doivent d'abord demander à la Commission, par voie de requête, de confier à

sement a été rendue par la Commission dans 17 cas, 117 plaintes ont été rejetées et la procédure a été arrêtée dans les autres 24 cas.

Dans les cas réglés par des agents des relations de travail et ceux qui ont fait l'objet d'une décision de la Commission, des indemnités s'élevant à environ 474 965 \$ ont été accordées à des employés lésés, et des offres de réintégration ont été faites dans de nombreux cas. Sur les 17 cas où la Commission a constaté des infractions à la loi, elle a ordonné aux employeurs et aux syndicats de verser des indemnités à six employés, pour les salaires et avantages perdus au cours d'une période particulière, et a ordonné la réintégration de quatre d'entre eux.

En outre, on a ordonné aux employeurs dans dix cas d'afficher un avis de la Commission concernant les droits des employés en vertu de la loi, et dans trois cas, de cesser et de s'abstenir.

### **Griets soulevés dans l'industrie de la construction**

Selon l'article 124 de la loi, les griets concernant les prétendues infractions aux dispositions d'une convention collective de l'industrie de la construction peuvent être soumis à la Commission aux fins de règlement. Comme pour les plaintes d'infraction à la loi, la Commission encourage le règlement volontaire de ces griets par les parties concernées, avec l'aide d'un agent des relations de travail.

Au cours de 1989-1990, la Commission a reçu 881 demandes en vertu de cet article. En général, il s'agissait de cas où l'employeur aurait omis de verser les cotisations requises à un régime d'assurance-santé et de bien-être, de pension ou à un fonds de vacances; omis de retenir les cotisations syndicales; ou entreint les dispositions de la convention collective concernant la sous-traitance et l'embauche.

En plus des demandes reçues, 112 autres ont été reportées de l'exercice 1988-1989. Sur les 993 griets traités, 549 ont été réglés, l'instance a été ajournée sine die dans 282 cas et 162 cas étaient en cours au 31 mars 1990.

Sur 479 (87 pour 100) des 549 cas réglés, une entente volontaire ou le retrait du griet a été obtenu par un agent des relations de travail (Tableau 4), un jugement a été rendu par la Commission dans 37 cas, 15 griets ont été rejetés et la procédure a été arrêtée dans les 18 autres cas.

Un montant s'élevant à environ 1 572 349 \$ a été recouvert pour les syndicats et les employés dans les cas réglés par les agents des relations de travail ou tranchés par la Commission.

## **REQUÊTES ET PLAINTES DIVERSES**

### **Droit d'accès**

En 1989-1990, la Commission a traité une requête soumise en vertu de l'article 11 de la loi par un syndicat qui désirait avoir accès à la propriété de l'employeur. On a accordé l'accès.

### **Exemption pour motifs religieux**

La Commission a traité 14 requêtes présentées en vertu de l'article 47 de la loi demandant l'exemption d'employés des dispositions sur la sécurité syndicale des conventions collectives en raison de leurs croyances religieuses. Trois requêtes ont été accordées, cinq ont été rejetées, trois ont été retirées ou réglées et trois étaient en instance au 31 mars 1990.



Trente-deux requêtes déposées en vue d'obtenir une ordonnance en vertu de l'article 135 de la loi à l'encontre d'une prétendue grève illicite d'employés de la construction ont également été traitées. Six ordonnances ont été rendues, une requête a été rejetée, cinq ont fait l'objet d'une entente ou d'un retrait, la procédure a été arrêtée ou ajournée sine die dans 16 cas et quatre cas étaient en instance au 31 mars 1990.

#### **Déclaration de lock-out illicite et ordonnance**

En 1989-1990, la Commission a traité une requête demandant une déclaration en vertu de l'article 93 de la loi à l'encontre d'un prétendu lock-out illicite décrété par un employeur de l'industrie de la construction. La requête a été rejetée.

On a traité cinq requêtes demandant une ordonnance en vertu de l'article 93 de la loi à l'encontre d'un prétendu lock-out illicite décrété par un employeur dans une industrie autre que celle de la construction. Une ordonnance a été rendue, trois cas ont fait l'objet d'une entente ou d'un retrait et un cas était en instance au 31 mars 1990.

#### **Autorisation de poursuivre**

En 1989-1990, la Commission a traité six requêtes déposées en vertu de l'article 101 de la loi en vue d'obtenir l'autorisation d'amorcer des poursuites devant les tribunaux contre des syndicats et des employeurs pour des prétendues infractions à la loi.

Des six requêtes traitées, dont une avait été reportée de l'année précédente, trois ont été réglées et trois étaient en instance au 31 mars 1990. Sur les cas réglés, la procédure a été arrêtée dans un cas et deux cas ont fait l'objet d'une entente ou d'un retrait.

#### **Plaintes d'infraction à la loi**

Il est possible de déposer devant la Commission aux fins de traitement des plaintes de prétendues infractions à la loi, en vertu de l'article 89. Dans ces cas, la Commission met l'accent sur le règlement volontaire par les parties concernées, avec l'aide d'un agent des relations de travail.

En 1989-1990, la Commission a reçu 807 plaintes en vertu de cet article, par rapport à 787 en 1988-1989, soit 20 de plus. Dans le cas des plaintes déposées contre les employeurs, les principales accusations étaient celles de renvoi illégal d'un employé parce qu'il exerçait des activités syndicales ou encore de discrimination pour la même raison, contrairement aux articles 64 et 66 de la loi; de modification illégale des salaires et des conditions de travail, contrairement à l'article 79; et de défaut de négocier de bonne foi en vertu de l'article 15. Dans la majorité des cas, ces accusations ont été portées par rapport à des requêtes en accrédition. L'accusation portée le plus souvent contre les syndicats était celle de ne pas avoir représenté les employés de façon impartiale dans le cadre de griefs contre l'employeur.

En plus des plaintes reçues, 233 cas ont été reportés de l'exercice 1988-1989. Du nombre total de 1 040 cas traités, 695 ont été réglés, la procédure a été ajournée sine die dans 85 cas et 260 cas étaient en instance au 31 mars 1990.

Dans 542 (77 pour 100) des 700\* cas réglés, un règlement volontaire ou un retrait de la plainte a été obtenu par un agent des relations de travail (Tableau 4), une ordonnance de redres-

\* Comprend 5 cas traités en vertu de la Loi sur la négociation collective dans les collèges d'arts appliqués et de technologie.

Du total des cas traités, le droit de négocier a été révoqué dans 69 cas, 33 cas ont été rejetés, 27 ont été retirés ou réglés, la procédure a été arrêtée ou ajournée sine die dans six cas et 62 cas étaient en instance au 31 mars 1990.

Les syndicats ont perdu le droit de représenter 855 employés dans les 69 cas où la révocation a été accordée, mais ont conservé le droit de négocier en faveur de 1 023 employés, dans les 59 cas rejetés ou retirés.

Sur les 102 cas où la requête a été accordée ou rejetée, 40 décisions étaient fondées sur les résultats de scrutins sur le caractère représentatif du syndicat. Un total de 816 employés avaient le droit de voter dans les 40 élections tenues; 724 (89 pour 100) ont déposé un bulletin. Sur ces derniers, 163 ont voté en faveur du maintien du droit du syndicat et 561 contre. (Tableau 6)

#### **Déclaration du syndicat qui succède à un autre**

En 1989-1990, la Commission a traité 23 requêtes présentées en vue d'obtenir une déclaration en vertu de l'article 62 de la loi concernant le droit de négocier des syndicats qui succèdent à un autre à la suite d'une fusion de syndicats ou d'un transfert de compétence, par rapport à 34 en 1988-1989.

La Commission a rendu des déclarations affirmatives dans 17 cas, deux requêtes ont été retirées et la procédure a été arrêtée dans quatre cas.

#### **Déclaration de l'employeur qui succède ou du statut d'employeur unique**

En 1989-1990, la Commission a traité 350 requêtes présentées en vue d'obtenir une déclaration en vertu de l'article 63 de la loi concernant le droit de négocier des syndicats d'un employeur qui succède à la suite de la vente d'une entreprise, ou une déclaration en vertu du paragraphe 1(4) stipulant que deux compagnies ne constituent qu'un seul employeur. Ces deux genres de demandes sont souvent présentées en une seule requête.

La Commission a rendu des déclarations affirmatives dans 21 cas, 104 cas ont été réglés ou retirés par les parties, 12 requêtes ont été rejetées, la procédure a été arrêtée ou ajournée sine die dans 63 cas et 150 cas étaient en instance au 31 mars 1990.

#### **Accréditation d'associations patronales**

Six requêtes ont été traitées en vertu des articles 125 à 127 de la loi relativement à l'accréditation d'associations patronales en tant qu'agents négociateurs d'employeurs dans l'industrie de la construction. Une requête a été accordée et cinq cas étaient en instance au 31 mars 1990.

#### **Déclaration de grève illégitime et ordonnance**

En 1989-1990, la Commission a traité 11 requêtes déposées en vue d'obtenir une déclaration en vertu de l'article 92 à l'encontre d'une prétendue grève illégitime des employés dans l'industrie de la construction. Une requête a été accordée, sept requêtes ont été retirées ou ont fait l'objet d'une entente et trois cas étaient en instance au 31 mars 1990.

On a traité trente et une requêtes demandant une ordonnance en vertu de l'article 92 à l'encontre d'une prétendue grève illégitime des employés dans les industries autres que celle de la construction. Sept ordonnances ont été rendues, quatre requêtes ont été rejetées, dix cas ont fait l'objet d'une entente ou d'un retrait, la procédure a été arrêtée ou ajournée sine die dans six cas et quatre cas étaient en instance au 31 mars 1990.

Un total de 13 150 employés avaient le droit de voter dans les 148 élections. Sur ce nombre, 10 320 (78 pour 100) ont déposé un bulletin. Dans le cas des 88 scrutins qui ont été remportés et ont entraîné l'accréditation, 5 281 (73 pour 100) des 7 202 employés habiles à voter ont déposé un bulletin. Sur ce nombre, 3 568 (68 pour 100) étaient en faveur de la représentation syndicale. Dans le cas des 60 élections perdues et entraînant un rejet, 5 039 (85 pour 100) des 5 948 employés admissibles ont pris part au scrutin, et seuls 33 pour 100 d'entre eux ont voté en faveur de la représentation syndicale.

**Taille et composition des unités de négociation :** En 1989-1990, les petites unités ont continué de dominer la tendance en matière de recrutement syndical par l'intermédiaire du processus d'accréditation. La taille moyenne des unités de négociation touchées par les 573 requêtes en accréditation accordées était de 30 employés, comme en 1988-1989. Les unités dans les cas d'accréditation dans l'industrie de la construction comptaient en moyenne sept employés, comme en 1988-1989; dans les autres industries, elles comptaient en moyenne 41 employés, par rapport à 40 en 1988-1989. Quatre-vingt-deux pour cent du nombre total d'accréditations portaient sur des unités de moins de 40 employés, et 42 pour 100 sur des unités de moins de 10 employés. Le nombre total d'employés visés par les 573 accréditations était de 17 184 par rapport à 21 440 en 1988-1989. (Tableau 10)

Sur les employés auxquels s'appliquaient les requêtes accordées, 4 437 (26 pour 100) étaient membres d'unités de négociation formées d'employés à plein temps ou d'unités excluant les employés travaillant 24 heures ou moins par semaine. Les unités composées de ces derniers visaient 1 574 employés oeuvrant principalement dans le domaine de l'éducation, de la santé et du bien-être, représentées en grande partie par des syndicats d'enseignants et l'Association des infirmières de l'Ontario. Des employés à plein temps et à temps partiel étaient représentés dans des unités touchant 11 173 employés, y compris des unités qui n'excluaient pas expressément les employés travaillant 24 heures ou moins par semaine. (Tableaux 12 et 13)

Soixante-seize pour cent des travailleurs (13 138) étaient employés dans la production, les services et les occupations connexes; 657 étaient des employés de bureau et techniques, surtout dans les domaines de l'éducation, de la santé et du bien-être. Les professionnels, principalement dans les domaines de l'éducation, de la santé et du bien-être, représentaient 1 831 employés; un petit nombre, 101 employés, occupaient des postes dans la vente; 1 457 faisaient partie d'unités comprenant des employés de deux catégories ou plus. (Tableaux 14 et 15)

**Temps de règlement :** Le traitement des 573 cas d'accréditation a nécessité une période médiane de 30 jours civils, de la réception de la requête au règlement. Dans le cas de l'accréditation dans l'industrie de la construction, la période médiane était de 32 jours; dans les autres industries, elle était de 29 jours. (Tableau 11)

Quatre-vingt-quatre pour cent des 573 cas d'accréditation ont été réglés en 84 jours (3 mois) ou moins, 72 pour 100 ont nécessité 56 jours (2 mois) ou moins, 34 pour 100, 28 jours (1 mois) ou moins, et 10 pour 100, 21 jours (3 semaines) ou moins. Trente-cinq cas ont demandé plus de 168 jours (6 mois), par rapport à 45 cas en 1988-1989.

## Révocation du droit de négocier

En 1989-1990, la Commission a reçu 167 requêtes en vertu des articles 57, 59, 60, 61 et 123 de la loi, demandant la révocation du droit de négocier de syndicats. De plus, 30 cas ont été reportés de l'exercice 1988-1989.



d'infraction à la loi ont nécessité 53 jours, par rapport à 64 en 1988-1989; les griefs soumis par l'industrie de la construction, 15 jours, chiffre qui correspond à celui de 1988-1989. La période médiane pour le total de tous les autres genres de cas a diminué, passant de 85 jours en 1988-1989 à 75 jours.

Soixante-dix pour cent de tous les cas réglés l'ont été en 84 jours (3 mois) ou moins, par rapport à 78 pour 100 pour les requêtes en accrédition, 65 pour 100 pour les plaintes d'infraction à la loi, 78 pour 100 pour les griefs de l'industrie de la construction et 56 pour 100 pour le total de tous les autres genres de cas. Le nombre de cas dont le traitement a demandé plus de 168 jours (6 mois) est passé de 449 en 1988-1989 à 404.

### Accrédition d'agents négociateurs

En 1989-1990, la Commission a reçu 910 requêtes en accrédition de syndicats en tant qu'agents négociateurs pour les employés, une diminution de 28 par rapport à 1988-1989. (Tableaux 1 et 2)

Les requêtes ont été déposées par 96 syndicats, dont 38 associations d'employés. Soixante-treize pour cent du nombre total de requêtes déposées provenaient de 14 des syndicats, chacun ayant présenté plus de 20 requêtes : travailleurs canadiens de l'automobile (34), Fonction publique (SCFP) (61), travailleurs de l'alimentation et du commerce (33), employés de la fonction publique de l'Ontario (20), employés de gros et de détail (25), Union internationale des employés des services (46), Métallurgistes unis (64), charpentiers (81), ouvriers en électricité (FIOE) (28), Union internationale des opérateurs de machines lourdes (31), journalistes (156), enseignants des écoles secondaires de l'Ontario (22), peintres (26) et camionneurs (40). En comparaison, 24 pour 100 des syndicats ont déposé moins de cinq requêtes chacun. Ces syndicats réunis ont déposé cinq pour cent du nombre total de requêtes en accrédition. (Tableau 8)

Le tableau 9 donne une répartition par industrie des requêtes en accrédition reçues et traitées au cours de l'exercice. Les industries autres que celles du secteur de la fabrication repré-sentaient 80 pour 100 des requêtes reçues, qui relevaient principalement des domaines suivants : construction (308), santé et bien-être (110), éducation et services connexes (83), transport (29), hébergement et restauration (27), vente au détail (26) et commerce en gros (23). Quatre-vingt-trois pour cent du total des requêtes présentées par les industries autres que celles du secteur de la fabrication provenaient de ces sept groupes. Des 179 requêtes touchant des établissements des industries de la fabrication, 72 pour 100 avaient été déposées par sept groupes : aliments et boissons (24), métaux ouvrés (23), bois (16), équipement de transport (16), impression et édition (23), autres (17), caoutchouc et plastiques (10).

En plus des requêtes reçues, 227 cas ont été reportés de l'an dernier, portant le total des requêtes en accrédition à 1 137 pour 1989-1990. De ce total, 880 cas ont été réglés, l'instance a été ajoutée sine die dans 31 cas et 226 cas étaient toujours en instance au 31 mars 1990. Sur les 880 cas réglés, l'accrédition a été accordée dans 573 cas, dont sept certificats provisoires en vertu du paragraphe 6(2) de la loi et deux accréditions en vertu de l'article 8; 117 cas ont été rejetés; la procédure a été arrêtée dans 30 cas; 160 cas ont été retirés. Les cas d'accrédition accordée représentaient 65 pour 100 du nombre total de cas réglés. (Tableau 1)

Sur les 720 requêtes qui ont été accordées, rejetées ou pour lesquelles la procédure a été arrêtée, la décision finale dans 148 des cas a été fondée sur les résultats d'un scrutin sur le caractère représentatif du syndicat. Sur les 148 scrutins tenus, 104 portaient sur un seul syndicat et 44 sur deux syndicats. Les requérants ont gagné dans 88 des scrutins et perdu dans les 60 autres cas. (Tableau 6)



Sur ces 181 scrutins, 131 portaient sur des requêtes en accrédition; 46, sur des requêtes en révocation du droit de négocier existant; quatre, sur des requêtes concernant un employeur qui succédait. (Tableau 5)

Pour ce qui est des scrutins relatifs à l'accrédition, un seul syndicat figurait sur le bulletin de vote dans 92 des cas et deux syndicats y figuraient dans 39 des cas.

Un total de 14 881 employés avaient le droit de voter dans le cadre des 181 élections tenues. Sur ce nombre, 11 529 (77 pour 100) ont déposé un bulletin de vote, dont 49 pour 100 étaient en faveur de la représentation syndicale. Dans les 92 élections portant sur un seul syndicat, 73 pour 100 des personnes admissibles à voter ont déposé un bulletin, dont 48 pour 100 étaient en faveur de la représentation syndicale.

Pour ce qui est des 46 scrutins relatifs aux requêtes en révocation du droit de négocier, 91 pour 100 des personnes habiles à voter ont déposé un bulletin, seules 25 pour 100 de ces dernières votant en faveur des syndicats titulaires du droit.

### Scrutins sur les dernières offres

En plus de tenir les scrutins ordonnés dans le cadre des cas soumis à la Commission, la greffière de la Commission a dû, à la demande du ministre, tenir des scrutins parmi les employés sur les dernières offres des employeurs aux fins du règlement de conflits en matière de convention collective en vertu du paragraphe 40(1) de la loi. Même si la Commission n'est pas responsable de l'administration des scrutins tenus en vertu de cet article, on demande au greffier et au personnel régional de la Commission de s'en occuper en raison de leur expertise et de leur expérience par rapport aux scrutins sur le caractère représentatif des syndicats en vertu de la loi.

Sur les 17 demandes traitées par la Commission au cours de l'exercice, on a tenu un scrutin dans huit cas. Dans les autres cas, une entente est intervenue avant d'en venir au scrutin. Sur les huit cas où un scrutin a été tenu, les employés ont accepté les offres de l'employeur dans deux cas (151 votes pour, 103 votes contre) et les ont rejetées dans six cas (1143 votes contre, 653 pour).

### Audiences

La Commission a tenu un total de 1 075 audiences et audiences en continuation dans 1 181 (28 pour 100) des 4 213 cas traités au cours de l'exercice, soit 16 séances de moins qu'en 1988-1989. Soixante-cinq de ces audiences ont été tenues par un seul vice-président, comparativement à 141 en 1988-1989.

### Temps de traitement des cas

Le tableau 7 présente des statistiques sur le temps requis à la Commission pour traiter les 2 685 cas réglés en 1989-1990. Les renseignements sont donnés séparément pour les trois principales catégories de cas traités par la Commission (requêtes en accrédition, plaintes d'infraction à la loi et griefs soumis dans le cadre des conventions collectives de l'industrie de la construction) et les autres catégories réunies.

Le traitement des 2 685 cas réglés en 1989-1990 a nécessité une période médiane de 47 jours, du dépôt à la décision, par rapport à 43 jours en 1988-1989. Les requêtes en accrédition ont été traitées dans une période médiane de 40 jours, par rapport à 36 jours en 1988-1989; les plaintes

VI NOMBRE DE CAS TRAITÉS

Au cours de l'exercice 1989-1990, la Commission a reçu un total de 3 287 requêtes et plaintes, une augmentation de deux pour cent par rapport au chiffre de 3 225 de 1988-1989. Sur les trois principales catégories de cas soumis à la Commission en vertu de la loi, le nombre de requêtes en accréditation de syndicats en tant qu'agents négociateurs a diminué de trois pour cent par rapport à l'année dernière; le nombre d'infractions à la loi a augmenté de quatre pour cent; le nombre de griefs soumis par rapport aux conventions collectives de l'industrie de la construction a augmenté de 19 pour 100. Le nombre total de tous les autres genres de cas a diminué de 11 pour 100. (Tableaux 1 et 2)

En plus des nouveaux cas soumis, 926 ont été reportés de l'exercice précédent, pour un total de 4 213 en 1989-1990. Du nombre total de cas, 2 685 (64 pour 100) ont été réglés au cours de l'année; dans 493 des cas, l'instance a été ajournée sine die\* (sans date déterminée ou autre action) à la demande des parties; 1 035 cas étaient en instance à diverses étapes du traitement au 31 mars 1990.

Le nombre total de cas traités au cours de l'exercice a entraîné une charge de travail moyenne de 281 cas pour le président et les vice-présidents à plein temps de la Commission. Le nombre total de cas réglés représentait une production moyenne de 179 cas.

Activités des agents des relations de travail

En 1989-1990, on a demandé aux agents des relations de travail de la Commission d'aider les parties à régler leurs différends sans avoir recours à un litige officiel devant la Commission dans 2 263 cas, soit 54 pour 100 du nombre total de cas soumis à la Commission. Ils comprenaient 543 requêtes en accréditation, 31 cas reliés au statut d'employé de particuliers en vertu de la loi, 749 plaintes de prétendues infractions à la loi, 876 griefs soulevés dans les conventions collectives de l'industrie de la construction, 63 plaintes déposées en vertu de la *Loi sur la santé et la sécurité au travail* et une plainte déposée en vertu de la *Loi sur la protection de l'environnement*. (Tableau 3)

Les agents des relations de travail ont traité au complet 1 492 des cas qui leur avaient été affectés, obtenant un accord pour 1 374 (92 pour 100) d'entre eux. Ils ont soumis 118 cas à la Commission aux fins de décision; l'instance a été ajournée sine die dans 335 cas; les tentatives en vue d'en venir à une entente se poursuivaient dans les autres 436 cas au 31 mars 1990. Les agents des relations de travail ont également réussi à amener les parties à renoncer à une audience dans 148 (64 pour 100) des cas, sur les 233 requêtes en accréditation qui leur avaient été affectées à cette fin.

Scrutins sur le caractère représentatif du syndicat

En 1989-1990, les directeurs du scrutin de la Commission ont tenu un total de 181 scrutins sur le caractère représentatif du syndicat parmi les employés d'une ou plusieurs unités de négociation.

\*La Commission considère les cas ajournés sine die comme étant réglés, même s'ils sont conservés au rôle pendant un an.

Le syndicat des plombiers a soumis à la Commission deux griefs soulevés dans l'industrie de la construction selon lesquels le Conseil scolaire de Windsor avait manqué à la convention provinciale relativement aux salaires et à la sous-traitance à l'extérieur du syndicat. L'employeur a répondu qu'il n'était pas lié par la convention provinciale parce qu'il n'était pas un employeur de l'industrie de la construction, qu'il offrait du travail à contrat en tant que propriétaire, et que le travail en question était un travail d'entretien et non de construction. De toute façon, même si le conseil était lié par la convention provinciale, le syndicat ne pouvait appliquer cette dernière en raison d'un "gentlemen's agreement" entre l'employeur et le syndicat selon lequel celui-ci annulerait ses droits prévus dans la convention provinciale concernant la sous-traitance.

Dans sa décision du 4 mars 1988, la majorité de la Commission a conclu que le conseil de Windsor était un employeur de l'industrie de la construction relativement aux travaux faisant l'objet des griefs, et que, en conséquence, il était lié par la convention provinciale. Le "gentlemen's agreement" qui prétendait annuler les dispositions de la convention provinciale a été jugé nul et sans effet en vertu du paragraphe 146(2) de la *Loi sur les relations de travail* en tant que "entente. . . à l'exclusion d'une convention provinciale"; le syndicat n'était donc pas empêché par une préclusion de soumettre des griefs contre la sous-traitance à l'extérieur du syndicat. La Commission a ensuite jugé les griefs et constaté des infractions aux dispositions de la convention provinciale concernant les salaires et la sous-traitance.

Le conseil de Windsor a demandé une révision judiciaire de la décision de la Commission pour les motifs que, entre autres, la Commission avait commis une erreur en concluant qu'il était un employeur de l'industrie de la construction et en refusant d'appliquer la doctrine de la préclusion.

La Cour divisionnaire, dans sa décision du 25 janvier 1989, a soutenu que les conclusions de la Commission n'étaient pas déraisonnables ni, quant à cela, erronées et a rejeté la requête en révision judiciaire.

La Cour d'appel a refusé au conseil de Windsor l'autorisation d'en appeler de la décision de la Cour divisionnaire le 15 mai 1989.

tribunaux dans d'autres instances. La Cour a conclu que la conduite de Mme Citron constituait un outrage malgré le respect de l'ordonnance à la dernière minute.

En ce qui a trait à la peine, la Cour a noté qu'il était important de tenir compte de l'aspect dissuasif lorsque l'on évalue la sentence appropriée. Il est dans l'intérêt du public que les ordonnances de la Commission des relations de travail de l'Ontario soient respectées, et il est important que les personnes qui adoptent volontairement une ligne de conduite telle celle choisie par le témoin dans la présente affaire reconnaissent que la peine d'emprisonnement est toujours à la disposition des tribunaux. La Cour a imposé une sentence avec sursis de 30 jours d'emprisonnement.

Le 5 juin 1989, la Cour d'appel a rejeté la motion déposée par Mme Citron en vue d'obtenir l'autorisation d'interjeter appel.

*The City of Sault Ste. Marie*  
**Cour suprême de l'Ontario, Cour divisionnaire**  
**5 octobre 1988; non publiée**  
**Cour d'appel de l'Ontario**  
**3 avril 1989; non publiée**

Le syndicat des journalistes a présenté une requête en accréditation pour représenter les employés de la ville. Le Syndicat canadien de la Fonction publique et le syndicat des charpentiers sont intervenus. Lors de l'audience devant la Commission, personne ne s'est présenté pour la ville.

La Commission, dans sa décision du 7 août 1987, a accredité les journalistes et les charpentiers en vertu des dispositions relatives à l'industrie de la construction de la *Loi sur les relations de travail*.

Par la suite, l'avocat de la ville a demandé que la Commission tienne une audience pour réexaminer sa décision parce qu'il avait omis de se présenter à la première audience ayant supposé, par erreur, à la suite de ses communications avec la Commission, que l'audience ne serait pas tenue à la date prévue. La Commission a obtenu des observations écrites des parties et, dans sa décision du 9 octobre 1987, a conclu que la ville avait reçu un avis de l'audience et que la non comparution de l'avocat avait été entraînée par sa propre supposition injustifiée et erronée. La Commission a refusé de réexaminer la décision rendue plus tôt.

La ville a demandé une révision judiciaire des décisions de la Commission pour les motifs que cette dernière avait commis diverses erreurs de droit et n'avait pas tenu compte des principes de justice naturelle à l'égard de la ville en tenant l'audience en son absence et refusant ensuite de tenir une audience de réexamen. La ville a également prétendu que les articles 117 et 136 de la *Loi sur les relations de travail* n'auraient pas dû être appliqués à une municipalité puisque cette dernière serait ainsi liée par un contrat qui pourrait être incompatible avec la *Loi sur les municipalités*, et que, en plus, ces articles entraignaient les dispositions de la Charte concernant l'égalité.

Le 5 octobre 1988, la Cour divisionnaire a rejeté la requête en révision judiciaire. Elle a maintenu que l'avocat de la ville était le principal responsable de son absence à l'audience puisqu'il avait supposé à tort que les dates de l'audience avaient été changées. La Cour n'était pas convaincue que les deux syndicats ne subiraient pas de tort si les décisions étaient annulées. Elle a donc refusé d'exercer son pouvoir discrétionnaire pour accorder à la requête.

La Cour d'appel a refusé d'autoriser la ville à interjeter appel de la décision de la Cour divisionnaire le 3 avril 1989.



finale soit prononcée dans l'affaire *Cuddy Chicks*, et que l'argument relatif aux renseignements était prématuré puisqu'il n'avait pas été présenté à la Commission.

Pinkerton's a demandé l'autorisation d'en appeler de la décision de la Cour divisionnaire devant la Cour d'appel.

*Plaza Fiberglass Manufacturing Limited*  
Cour suprême de l'Ontario, Cour divisionnaire  
1<sup>er</sup> mai 1989; 69 O.R. (2nd) 115; [1989] OLRB Rep. May 528  
Cour d'appel de l'Ontario  
5 juin 1989; [1989] OLRB Rep. June 707

Les Métallurgistes unis d'Amérique avaient déposé une requête en vertu de l'article 93 de la *Loi sur les relations de travail* prétendant que Plaza Fiberglas Limited, Plaza Electro-Plating Ltd., Citron Automotive Industries et Sabina Citron avaient décreté un lock-out illégitime des employés de Plaza Fiberglas. Mme Citron, la directrice des compagnies et intimée nommée individuellement, s'est chargée de produire certains documents qui avaient fait l'objet d'une assignation duces tecum par le syndicat. Par la suite, Mme Citron a refusé de produire des formulaires de demande révélant l'adresse, le numéro de téléphone et le numéro d'assurance sociale des personnes présentant la demande. La Commission avait déterminé que les renseignements étaient pertinents et que le syndicat y avait droit.

Le syndicat a demandé que la Commission fasse un exposé de cause à la Cour divisionnaire en vertu de l'article 13 de la *Loi sur l'exercice des compétences légales* relativement au refus de produire les documents. La Commission a soutenu qu'elle devrait faire un exposé de cause, ce qu'elle a fait.

Le syndicat a présenté une requête pour que l'exposé de cause soit entendu par la Cour divisionnaire. Dans sa décision du 31 mars 1989, la Cour a conclu que le témoin avait refusé de produire des documents sans excuse légitime et lui a donné une autre occasion de le faire.

Mme Citron a déposé une requête en autorisation d'en appeler de la décision de la Cour divisionnaire devant la Cour d'appel.

Entre temps, la Commission a tenu une audience le 25 avril 1989 conformément à l'ordonnance de la Cour divisionnaire. Mme Citron s'est présentée avec un avocat et, encore une fois, a refusé de produire les formulaires de demande au complet.

Le syndicat a déposé une motion devant la Cour divisionnaire demandant de citer Mme Citron pour outrage parce qu'elle n'avait clairement aucune excuse légitime pour refuser de produire les documents devant la Commission. Trois jours avant l'audience de la motion, le témoin a fourni les documents à la Commission sur les conseils de son avocat. Ce dernier a soutenu que l'auteur du délit, ayant fait amende honorable, ne devrait pas être condamnée pour outrage, et qu'il n'y avait pas eu d'acte de défi public mais plutôt un conflit privé entre une compagnie et un syndicat.

Dans sa décision du 1<sup>er</sup> mai 1989, la Cour a soutenu que les ordonnances de la Commission créent un intérêt public. La Commission rend ses ordonnances en vertu des pouvoirs qui lui sont dévolus par la législation et, en l'absence d'excuse légitime, elles doivent être respectées. Lors de l'audience précédente, la Cour avait conclu que le témoin avait agi sans excuse légitime. L'observation de l'ordonnance de la Commission à la dernière minute n'a pas eu pour effet de rendre un acte d'outrage antérieur une question discutable. La Cour a également tenu compte de l'effet des actes d'outrage précédents, particulièrement de la conduite passée du témoin et de ses rapports antérieurs avec les compagnies connexes et son syndicat, qui avaient déjà comparu devant les

avec trois cliniques juridiques communautaires dont les employés étaient représentés par le syndicat.

Dans sa décision, la Commission a essayé de déterminer si la participation du RAJO aux affaires des cliniques en question était telle qu'afin d'assurer une négociation collective effective le syndicat devait pouvoir négocier avec le RAJO ainsi qu'avec les cliniques. La Commission a conclu que le RAJO avait pris part au fonctionnement et à la gestion des cliniques, et a déclaré qu'il s'agissait d'un seul employeur relativement aux employés représentés par le syndicat aux fins de la loi.

Le RAJO a demandé une révision judiciaire de la décision de la Commission pour les motifs que cette dernière avait à tort refusé d'interpréter le règlement concernant l'établissement et le financement des cliniques respectives (Règlement de l'Ontario 59/86 pris en application de la *Loi sur l'aide juridique*, L.R.O. 1980, chap. 234) ou de tenir compte des règlements en matière de financement.

Le 19 janvier 1990, la Cour divisionnaire a rejeté cette requête en révision judiciaire, indiquant que la Commission n'avait pas à interpréter ou appliquer de lois autres que le paragraphe 1(4) de la loi compte tenu des circonstances de l'affaire. On n'a constaté aucun excès de compétence puisque la Commission n'avait pour mandat de n'examiner que les aspects touchant les relations de travail des cliniques et non les aspects de leurs opérations relatifs aux services juridiques.

La RAJO a demandé l'autorisation d'en appeler de la décision de la Cour divisionnaire devant la Cour d'appel.

*Pinkerton's of Canada Ltd.*  
 Cour suprême de l'Ontario, Cour divisionnaire  
 17 A.C.W.S. (3d) 153; [1989] OLRB Rep. August 924

L'Association canadienne des gardiens ('Association') a présentée une requête en accreditation pour les gardiens à l'emploi de Pinkerton's. L'Association est affiliée aux Métallurgistes unis d'Amérique. L'employeur a soutenu que la Commission ne pouvait accrédi-ter l'Association en raison de l'article 12 de la *Loi sur les relations de travail*, qui interdit l'accréditation d'un syndicat affilié à un syndicat qui admet parmi ses membres des personnes qui ne sont pas des gardiens. Le syndicat a répondu que l'article 12 entraînait les dispositions concernant la liberté d'association de l'article 2 de la *Charte canadienne des droits et libertés*. L'employeur a répliqué que la Commission n'avait pas la compétence nécessaire pour entendre l'argument relatif à la Charte et a demandé un ajournement de l'instance jusqu'à ce que la Cour d'appel de l'Ontario ait décidé si la Commission avait la compétence nécessaire pour examiner le point touchant la Charte dans l'affaire *Re Cuddy Chicks Ltd. and O.L.R.B. et al.* À ce moment-là, la Cour d'appel avait entendu l'affaire et réservé sa décision. La Commission a refusé d'ajourner, remarquant que la décision de la Cour divisionnaire dans l'affaire *Cuddy Chicks*, selon laquelle la Commission pouvait entendre les arguments concernant la Charte restait un énoncé de droit à moins et jusqu'à ce qu'elle ne soit infirmée.

Pinkerton's a déposé une requête en révision judiciaire devant la Cour divisionnaire pour les motifs que la Commission aurait dû ajourner l'instance jusqu'à ce que la Cour d'appel ait rendu sa décision dans l'affaire *Cuddy Chicks*, et que l'on n'avait pas appliqué les principes de justice naturelle à son égard parce qu'elle n'avait pas obtenu les renseignements adéquats sur les arguments du syndicat.

La Cour divisionnaire a rejeté la requête le 23 août 1989. Elle a soutenu que la Commission n'avait pas fait d'erreur susceptible d'être révisée en refusant d'ajourner jusqu'à ce qu'une décision

Une motion en vue d'obtenir la permission d'interjeter appel de la décision de la Cour divisionnaire a été rejetée par la Cour d'appel le 6 juin 1989.

**Ontario Hydro**

**Cour suprême de l'Ontario, Cour divisionnaire**  
**12 juin 1989; [1989] OLRB Rep. June 698;**  
**89 CLTC ¶ 14,044; 69 O.R. (2nd) 268**

La Société des employés professionnels et administratifs de l'Hydro Ontario (la "Société") a présenté une requête en accréditation pour une unité d'employés administratifs, de scientifiques et d'ingénieurs d'Ontario Hydro. Une coalition ayant pour but d'empêcher l'accréditation de la Société et composée de certains employés opposés à la requête a soulevé une question de constitutionnalité pour prévenir l'accréditation de l'unité de négociation demandée par la Société. L'argument voulait qu'il y ait une catégorie d'employés d'Ontario Hydro, ceux qui s'occupent de l'exploitation des centrales nucléaires, qui relèvent de la compétence fédérale en vertu de l'article 17 de la *Loi sur le contrôle de l'énergie atomique (LCEA)*, qui déclare les installations nucléaires comme étant des travaux qui visent à avantager le Canada en général. La Commission a décidé qu'il y avait effectivement une catégorie d'employés relevant de la compétence fédérale en vertu de la *LCEA* et de l'alinéa 92(10)(c) de la *Loi constitutionnelle de 1867*.

Ontario Hydro a demandé une révision judiciaire pour la raison que la Commission avait commis de nombreuses erreurs de droit. Le Procureur général de l'Ontario et le Procureur général du Canada sont intervenus. Le 12 juin 1989, la Cour divisionnaire a accédé à la requête en révision judiciaire, annulé la décision de la Commission et ordonné à cette dernière de traiter la requête en accréditation.

La Cour a conclu que la *LCEA* ne s'appliquait pas dans la mesure où elle semblait être une déclaration qui plaçait les centrales nucléaires d'Ontario Hydro sous la compétence fédérale. Elle a décidé que, en essence et substance, la *LCEA* porte sur la santé, la sécurité et le secret dans le domaine de l'énergie nucléaire. La principale entreprise touchée dans la présente affaire était la production et le développement de l'électricité, y compris la gestion des installations, qui relevait de la compétence provinciale en vertu de l'article 92A (adopté en 1982) de la *Loi constitutionnelle de 1867*. Les relations de travail font partie intégrante de la gestion d'une entreprise qui était du ressort provincial. La Cour a déterminé que le Parlement avait répondu à une préoccupation nationale et adopté la *LCEA* en vertu des dispositions de la Constitution concernant la paix, l'ordre et le bon gouvernement. En conséquence, l'autorité générale du Parlement devait être interprétée de concert avec l'autorité provinciale pertinente, démontrant que la *LCEA* et la *Loi sur les relations de travail* de l'Ontario s'appliquaient toutes les deux puisqu'elles portaient sur différents aspects de la question. La Cour a donc décidé qu'il n'y avait pas de catégorie d'employés relevant de la compétence fédérale.

À la fin de l'exercice, le Procureur général du Canada essayait d'obtenir la permission d'interjeter appel de la décision de la Cour divisionnaire.

**The Ontario Legal Aid Plan**

**Cour suprême de l'Ontario, Cour divisionnaire**  
**19 janvier 1990; 19 A.C.W.S. (3d) 65; [1990] OLRB Rep. January 118**

Le Syndicat des employés de la fonction publique de l'Ontario a demandé à la Commission, par voie de requête, une déclaration en vertu du paragraphe 1(4) de la *Loi sur les relations de travail* stipulant que le Régime d'aide juridique de l'Ontario (RAJO) constituait un seul employeur



Le 30 mai 1988, la Cour divisionnaire a rejeté la requête de suspension et ordonné que les deux révisions judiciaires soient entendues ensemble. Dans ses motifs, présentés le 6 juin 1988, la Cour a mentionné que, à première vue, il n'y avait pas d'arguments solides dans la requête de révision judiciaire puisque les questions soulevées étaient des questions de preuve relevant de la compétence exclusive de la Commission.

La Cour divisionnaire a rejeté les deux requêtes en révision judiciaire le 9 juin 1989. Elle en a tiré à que les conclusions de fait de la Commission étaient fondées sur une preuve suffisante. La décision de la Commission de n'accorder aucune valeur à certaines preuves n'était donc pas susceptible de révision par la Cour.

M<sup>me</sup> Baydak a demandé la permission d'interjeter appel de la décision de la Cour divisionnaire devant la Cour d'appel.

### *Douglas Lloyd*

**Cour suprême de l'Ontario, Cour divisionnaire**  
**9 mars 1989; 14 A.C.W.S. (3d) 192; [1989] OLRB Rep. March 316**  
**Cour d'appel de l'Ontario**

**5 juin 1989; [1989] OLRB Rep. June 698**

Douglas Lloyd a déposé une plainte selon laquelle il avait été pénalisé par le ministre des Services sociaux et communautaires, contrairement à l'article 24 de la *Loi sur la santé et la sécurité au travail*, pour avoir agi conformément à la loi. M. Lloyd est un agent de services à la jeunesse dans un établissement de garde en milieu fermé. Il avait refusé de se rendre au travail dans un autre local de l'établissement parce qu'il estimait ainsi mettre en jeu la sécurité des autres employés, qui restaient en nombre insuffisant. L'employeur l'avait réprimandé, puis avait retenu sa paye pour la partie du quart non travaillée après le refus.

Dans sa décision, la Commission a remarqué que, en raison de l'alinéa 23(1)(c), l'article 23, y compris le droit de refuser un travail dangereux, ne s'applique pas aux personnes employées dans un établissement correctionnel, et que M. Lloyd ne pouvait donc fonder un refus de travailler sur l'article 23. La majorité a soutenu que l'article 17, qui interdit à tout travailleur de s'acquiescer de ses tâches d'une manière qui peut mettre en jeu sa sécurité ou celle des autres, ne donne pas indirectement le droit de refuser un ordre. La majorité a également maintenu qu'il ne s'agissait pas d'un cas où il était approprié d'exercer la discrétion de la Commission en vertu du paragraphe 24(7) afin de remplacer la pénalité. La plainte a donc été rejetée.

M. Lloyd a demandé une révision judiciaire de la décision de la Commission pour les motifs que cette dernière avait commis une erreur de droit et s'était déssaisie de l'affaire en concluant qu'il n'était pas protégé par l'article 24, et avait commis un excès de compétence relativement à son interprétation de la loi. Il a également prétendu que l'alinéa 23(1)(c), selon lequel il était exclu des dispositions sur le droit de refuser de travailler, était contraire aux dispositions de la Charte concernant l'égalité.

Le 9 mars 1989, la Cour divisionnaire a rejeté cette requête en révision judiciaire. Elle a conclu que l'interprétation de la loi par la Commission n'était pas manifestement déraisonnable. Le tribunal a également soutenu que l'alinéa 23(1)(c) ne constitue pas une infraction aux dispositions de la Charte sur l'égalité. L'alinéa ne porte pas sur les caractéristiques personnelles et répond à un objectif gouvernemental légitime de toute façon. La Cour n'a expressément pas tranché la question de savoir si elle entendrait, en règle générale, les questions relées à la Charte non soulevées devant le tribunal, remarquant qu'habituellement elle demande un dossier sur les faits du tribunal pour de telles questions.



samment générale pour inclure tous les syndicats affiliés, dont les peintres, et, en conséquence, a maintenu que ces derniers avaient en effet un droit de négocier, et que l'employeur était lié par la convention provinciale. Elle a ensuite conclu que l'employeur avait enfreint la disposition de la convention provinciale qui interdisait la sous-traitance.

L'employeur a demandé une révision judiciaire pour la raison que l'interprétation de l'entente de travail par la Commission était clairement déraisonnable.

Le 12 juillet 1989, la Cour divisionnaire a rejeté la requête en révision judiciaire parce que la Commission n'avait pas interprété l'entente de travail de façon clairement déraisonnable.

La Cour d'appel, le 16 octobre 1989, a refusé d'accorder à Harbridge la permission d'interjeter appel du rejet de sa requête en révision judiciaire par la Cour divisionnaire.

**Knob Hill Farms Limited; Donna Baydak**  
**Cour suprême de l'Ontario, Cour divisionnaire**  
**30 mai 1988; 10 A.C.W.S. (3d) 221**  
**Cour suprême de l'Ontario, Cour divisionnaire**  
**9 juin 1989; [1989] OLRB Rep. June 697**

Le Syndicat international des travailleurs unis de l'alimentation et du commerce ("TUAC")<sup>3</sup> présente une requête en accrédition pour les employés de Knob Hill. Le syndicat a également prétendu que l'employeur s'était ingéré dans les droits du syndicat et des employés et avait intimidé les employés par des mises à pied et des augmentations de salaire. Le syndicat demandait l'accrédition en vertu de l'article 8 de la *Loi sur les relations de travail* pour la raison qu'il était peu probable de pouvoir vérifier les vrais désirs des employés en raison des infractions à la loi commises par l'employeur. Celui-ci a soutenu que le paragraphe 89(5) de la loi, qui impose le fardeau de la preuve à l'employeur dans ce genre de plainte, est contraire aux dispositions de la Charte concernant l'égalité. Un groupe d'employés s'opposant au syndicat, représenté par Mme Baydak, avait déposé une pétition à cet effet.

La majorité de la Commission a indiqué dans sa décision que les dispositions de la loi touchant le fardeau inversé n'enfreignent pas la Charte et, de toute façon, a conclu, sans recourir à ces dispositions, que l'employeur avait enfreint la *Loi sur les relations de travail*. La Commission, après avoir déterminé qu'elle n'était pas convaincue que la pétition était volontaire, a décidé que le syndicat avait obtenu un appui adéquat et que les infractions commises par l'employeur avaient entraîné une situation dans laquelle il était peu probable de vérifier les vrais désirs des employés. Elle a donc décidé qu'il s'agissait d'un cas où il était approprié d'accréditer le syndicat en vertu de l'article 8, et a ordonné diverses mesures de redressement pour les pratiques déloyales. Une demande de réexamen de cette décision a été refusée par la même majorité.

Knob Hill et Mme Baydak (au nom des employés opposés au syndicat) ont tous deux demandé une révision judiciaire de la décision de la Commission. Knob Hill soutenant qu'il y avait eu diverses erreurs de droit et des décisions clairement déraisonnables; Mme Baydak maintenant que la Commission n'avait pas tenu compte des principes de justice naturelle en l'induisant en erreur relativement aux preuves et aux questions pertinentes, et avait commis une erreur en ne concluant pas que le fardeau inversé était contraire à la Charte.

Knob Hill a demandé une suspension de la décision de la Commission en attendant la décision découlant de la révision judiciaire, et que les deux révisions judiciaires soient entendues ensemble.

conclu qu'il convenait de considérer les propriétaires-exploitants comme des entrepreneurs dépendants de Yellow, donc des "employés" aux fins de la loi, admissibles à des négociations collectives. Cependant, la Commission a soutenu que des unités de négociation distinctes devaient être créées pour les entrepreneurs dépendants et les chauffeurs auxiliaires. Le paragraphe 6(5) de la loi énonce que les entrepreneurs dépendants peuvent être inclus dans une unité de négociation avec d'autres employés si la Commission est convaincue que la majorité de ces entrepreneurs dépendants le désirent. La Commission a maintenu que la structure de l'article 6 demande que les "opinions" soient exprimées de façon positive, et non par le silence, une implication négative ou la non participation. Dans la présente affaire, aucune preuve documentaire ou autre ne suggérerait à première vue que les entrepreneurs dépendants avaient exprimé le désir d'être inclus dans une unité de négociation mixte avec d'autres employés. La preuve indiquait en outre que les chauffeurs auxiliaires avaient peut-être une communauté d'intérêts différente de celle des propriétaires-exploitants à plein temps en matière de négociation collective.

La Commission a ensuite examiné les arguments du syndicat voulant que Yellow et un certain nombre d'autres intimés nommés soient des "employeurs connexes". On a soutenu à partir de la preuve soumise à l'audience que la compagnie Yellow et l'un des intimés, Transportation Unlimited Inc., étaient des employeurs connexes. Cependant, il n'y avait pratiquement pas de preuve relativement aux autres intimés nommés, et la Commission n'a constaté aucune raison de les inclure dans une déclaration d'employeurs connexes.

La Commission a ensuite refusé une demande par laquelle on voulait qu'elle exerce sa discrétion pour ordonner la tenue d'un scrutin sur le caractère représentatif du syndicat, et a accredité le syndicat à partir des preuves d'affiliation.

La Compagnie Yellow a demandé que la Commission réexamine sa décision, disant qu'elle n'avait pas la compétence nécessaire pour créer deux unités distinctes et aurait dû tenir un scrutin, et que le syndicat ne pouvait représenter ces deux unités de négociation puisque l'une dépendait de l'autre. La Commission, dans sa décision du 22 février 1989, a refusé la demande de réexamen. La Compagnie Yellow a ensuite demandé une révision judiciaire des trois décisions de la Commission ainsi qu'une suspension, soutenant que la Commission aurait dû rejeter la requête concernant une seule unité mixte puisqu'il n'y avait aucune preuve qu'il s'agissait là de ce que les employés désiraient, et que la Commission avait commis une erreur en concluant que les deux groupes étaient des employés de Yellow.

Le 10 juillet 1989, la Cour divisionnaire a entendu et rejeté la requête de suspension parce qu'aucune requête en révision judiciaire n'avait été présentée avant le 5 juillet 1989. La principale requête en révision judiciaire était en instance à la fin de l'exercice.

*Harbridge & Cross*

Cour suprême de l'Ontario, Cour divisionnaire

12 juillet 1989

Cour d'appel

16 octobre 1989; [1989] OLRB Rep. October 1093

Le conseil ontarien des peintres a soumis à la Commission un grief selon lequel l'employeur avait manqué aux dispositions de la convention provinciale concernant la sous-traitance.

Les peintres ont soutenu qu'ils avaient obtenu un droit de négocier en vertu d'une entente de travail conclue entre le Toronto Building and Construction Trades Council et l'employeur. La Commission a conclu que la disposition de reconnaissance de l'entente de travail était suffi-

La Cour divisionnaire, dans une décision datée du 17 juin 1989, a rejeté la requête en révision judiciaire. Elle a soutenu que la Commission avait des preuves suffisantes pour déterminer que l'avis était adéquat, et n'avait pas fait d'erreur susceptible de révision dans son application de la loi.

Le 2 octobre 1989, la Cour d'appel a refusé d'accorder à G.P. Construction la permission d'interjeter appel de la décision de la Cour divisionnaire.

**Great Lakes Fisheries and Allied Workers' Union**  
**Cour d'appel**  
**24 avril 1989**  
**16 janvier 1990; [1990] OLRB Rep. January 117**

Le syndicat avait déposé de nombreuses requêtes en accréditation pour des pêcheurs travaillant sur des bateaux. Neuf des employés nommés dans les requêtes avaient ensuite présenté une requête à la Cour des sessions hebdomadaires en vue d'obtenir une décision quant à la constitutionnalité de l'examen des requêtes en accréditation par la Commission ainsi qu'une déclaration selon laquelle les pêcheurs relevaient de la compétence fédérale. Le 5 septembre 1986, la Cour a rejeté la demande disant qu'elle était prématurée puisque la Commission, qui possède une expertise en matière de relations de travail, n'avait pas encore entendu les preuves et tranché la question de constitutionnalité.

Entre temps, la Commission a amorcé l'examen de la question, que les employeurs avaient également soulevée dans leur réponse aux requêtes en accréditation. Elle a décidé que les relations de travail touchant ces équipes de pêche étaient du ressort de la province et qu'elle avait donc la compétence nécessaire pour entendre les requêtes.

Les neuf employeurs ont alors demandé une révision judiciaire de la décision de la Commission pour les motifs qu'elle n'avait pas la compétence nécessaire pour examiner les requêtes en accréditation puisque les relations de travail touchant ces pêcheurs relevaient de la compétence fédérale.

Le 23 novembre 1988, la Cour divisionnaire a décidé que la Commission avait rendu la bonne décision, pour les bons motifs, et rejeté la requête en révision judiciaire.

Les employés ont demandé et obtenu l'autorisation d'appeler le 24 avril 1990.

La Cour d'appel, dans sa décision du 16 janvier 1990, a rejeté l'appel.

**Hamilton Yellow Cab Company Limited**  
**Cour suprême de l'Ontario, Cour divisionnaire**  
**10 juillet 1989; [1989] OLRB Rep. July 824**

Dans le cadre de cette requête en accréditation, le syndicat désirait être accrédité à la fois pour les propriétaires-exploitants et les chauffeurs auxiliaires, qui conduisaient les taxis des propriétaires-exploitants après leurs heures de travail normales. Le syndicat a affirmé que les "propriétaires-exploitants" de taxis qui travaillaient "sous la bannière" de Hamilton Yellow Cab Company Limited étaient soit des employés, soit des entrepreneurs dépendants de Yellow Cab. Cette dernière a affirmé que les propriétaires-exploitants étaient des entrepreneurs indépendants. Après avoir examiné le lien entre Yellow et les propriétaires-exploitants, la Commission a conclu que "l'indépendance" alléguée des propriétaires-exploitants était en grande partie illusoire; ils étaient totalement intégrés au système de Yellow et soumis à sa direction immédiate. La Commission a



Le Conseil de district et les sections locales ont alors demandé une révision judiciaire pour les motifs qu'ils auraient dû avoir la possibilité de présenter des arguments quant à la requête en réexamen.

La Cour divisionnaire, le 16 mai 1989, a rejeté la requête en révision judiciaire, remarquant que le résultat aurait pu être différent si le syndicat avait présenté une preuve de préjudice découlant du réexamen.

***Empress Graphics Inc.***  
**Cour suprême de l'Ontario, Cour divisionnaire**  
**21 mars 1990; [1990] OLRB Rep. March 396**

Une requête a été déposée en vertu de l'article 92 de la *Loi sur les relations de travail* alléguant que des employés d'Empress Graphics Inc. ("Empress") avaient fait une grève illícite. On a également soutenu que des dirigeants de l'intime, le Syndicat international des communications graphiques, section locale 500M, avaient recommandé, encouragé, provoqué ou appuyé cette grève contrairement aux articles 72, 74 et 76 de la loi.

Le problème soumis à la Commission a été soulevé en raison d'un conflit de travail entre un syndicat local affilié et un autre employeur. Un certain travail qui aurait dû être fait par le syndicat affilié et l'autre employeur s'il n'y avait eu ce conflit de travail devait être entrepris par Empress. Les employés, au nom de la solidarité, ont pris part à une manifestation de sympathie et refusé de s'occuper du travail de l'établissement en grève.

La convention collective conclue entre Empress et le syndicat contenait une clause permettant aux employés de refuser d'effectuer le travail d'un établissement en grève. La Commission a soutenu que les parties ne peuvent négocier dans leur convention collective une condition qui, en fait, annule la disposition d'interdiction de grève qui doit être incluse en vertu de l'article 42 de la *Loi sur les relations de travail*. La Commission a répété, en termes familiers, que l'on ne peut éviter de respecter une disposition de la loi par un contrat. Elle a donc déclaré que le syndicat avait ordonné une grève illícite et y avait pris part.

Le syndicat a demandé une révision judiciaire pour les motifs que la Commission avait commis des erreurs de droit.

La Cour divisionnaire n'était pas convaincue qu'il y avait erreur dans la décision de la Commission justifiant son intervention. En conséquence, la Cour a rejeté la requête le 21 mars 1990.

***G.P. Construction***  
**Cour suprême de l'Ontario, Cour divisionnaire**  
**27 juin 1989; [1989] OLRB Rep. June 696**  
**Cour d'appel de l'Ontario**  
**2 octobre 1989; [1989] OLRB Rep. Oct. 1092**

L'employeur a présenté une requête en révision judiciaire, alléguant que la Commission avait interprété la *Loi sur les relations de travail* de façon erronée, et avait manqué aux principes de justice naturelle en ne donnant pas à la G.P. Construction un avis de l'audience adéquat.

Le syndicat a présenté une motion en vue d'obtenir une ordonnance de suspension de la révision judiciaire en attendant que l'employeur ait fourni un cautionnement pour dépens. La Cour divisionnaire a accordé l'ordonnance le 10 avril 1989.



La Cour suprême du Canada a accordé la permission d'interjeter appel, lequel était en instance à la fin de l'exercice.

*Deilbrook Homes*  
**Cour d'appel de l'Ontario**  
**26 juin 1989; [1989] OLRB Rep. July 823**

Le syndicat des charpentiers a déposé des plaintes selon lesquelles le syndicat des journalistes s'était ingéré dans son droit et celui des employés en négociant des conventions collectives qui contenaient des clauses exigeant que les constructeurs de maisons ne sous-traitent les travaux de charpenterie qu'aux entrepreneurs en charpenterie qui avaient un lien contractuel avec les journalistes, même s'ils ne représentaient pas les charpentiers employés par les constructeurs de maisons. Les journalistes et les employeurs ont répondu que les plaintes devaient être rejetées en raison du retard et de l'abus du processus.

La Commission, dans sa décision du 7 février 1988, a exercé son pouvoir discrétionnaire pour ne pas mener d'enquête sur les plaintes, et les a rejetées. La Commission a conclu que le délai écoulé avant le dépôt des plaintes n'était pas raisonnable, et que les autres parties subiraient un tort considérable si l'on permettait d'amener ces dernières en instance.

Les charpentiers ont demandé une révision judiciaire de la décision de la Commission pour les motifs que cette dernière avait eu tort de se dessaisir de l'affaire et n'avait pas tenu compte des principes de justice naturelle en refusant de faire une enquête sur les plaintes. Ils ont prétendu que la Commission avait également exercé sa discrétion de façon erronée en décidant de ne pas mener d'enquête sur une plainte, qu'elle avait tenu compte de points non pertinents, conclu à un préjudice sans preuve à l'appui et attribué la responsabilité de son propre retard aux charpentiers. La Cour divisionnaire, le 13 mars 1989, a rejeté la requête en révision judiciaire, concluant que la Commission possédait des preuves suffisantes et avait donné suffisamment de motifs dans sa décision pour exercer sa discrétion afin de ne pas entendre la plainte.

Le 26 juin 1989, la Cour d'appel a rejeté une motion déposée par les charpentiers demandant l'autorisation d'appeler.

*Double S. Construction*  
**Cour suprême de l'Ontario, Cour divisionnaire**  
**16 mai 1989; [1989] OLRB Rep. June 696**

Dans le cadre d'une requête en révocation du droit de négocier, l'intimé, le conseil de district des journalistes, a affirmé que, parce que la convention collective s'appliquait à toute la province, toutes ses sections locales auraient également dû être nommées en tant qu'intimées. La Commission a conclu que les sections locales étaient toutes des parties nécessaires à l'instance et qu'elles n'avaient pas été avisées suffisamment longtemps à l'avance que les requérants désiraient faire révoquer leur droit de négocier.

La Commission a d'abord décidé lors de l'audience qu'il n'était pas approprié d'ajourner et que la requête devait être rejetée. Toutefois, conformément au paragraphe 106(1) de la *Loi sur les relations de travail*, la Commission a réexaminé sa décision verbale et déterminé par la suite qu'elle aurait dû modifier le titre pour inclure les sections locales. Elle a donc réexaminé et annulé sa décision de rejeter la requête et permis la modification du titre.

ont entendu l'affaire prennent la décision, une réunion de la Commission au complet n'est qu'une méthode légitime de consultation des collègues. De même, ces réunions n'entraînent pas le droit de se faire entendre, tant qu'on ne discute pas des questions de fait et que les parties ont la possibilité de réagir à toute nouvelle question juridique ou de politique soulevée. La majorité a remarqué que les règles de justice naturelle doivent concilier les caractéristiques des tribunaux spéciaux avec les droits des parties, et a conclu que l'équilibre obtenu par la procédure de la Commission lors des réunions de tous ses membres est conforme au but des règles de justice naturelle.

### *Cuddy Chicks*

#### Cour d'appel de l'Ontario

8 septembre 1989; 70 O.R. (2d) 179; 89 CLLC ¶14,051; 17 A.C.W.S. (3d) 170; 39 Admin. L.R. 48 [1989] OLRB Rep. September 989

Le syndicat a présenté une requête en accréditation des employés du couvoir de l'employeur. Ce dernier a affirmé en réponse que les employés travaillaient à l'agriculture et n'étaient donc pas visés par la *Loi sur les relations de travail* en vertu du paragraphe 2(b). Le syndicat a répondu que l'exemption concernant l'agriculture est contraire à la Charte et ne devrait donc pas s'appliquer de toute façon. L'employeur a alors soutenu que la Commission n'avait pas la compétence nécessaire pour examiner l'argument présenté par le syndicat relativement à la Charte.

La Commission, dans sa décision rendue verbalement le 28 avril 1988, les motifs écrits ayant été présentés le 6 mai 1988, a d'abord soutenu que les employés travaillaient à l'agriculture. La majorité des membres du comité ont ensuite décidé que la Commission a la compétence nécessaire pour appliquer la Charte dans les instances dont elle est saisie en raison de son obligation en vertu de l'article 52 de la Charte d'appliquer la *Loi sur les relations de travail* d'une manière compatible avec la Charte, et parce qu'elle est un "tribunal compétent" selon la définition du paragraphe 24(1) de la Charte, relativement aux questions qui lui sont soumises.

L'employeur a demandé une révision judiciaire de la décision de la Commission affirmant qu'elle a la compétence nécessaire pour appliquer la Charte pour les motifs que la Commission n'est pas un tribunal compétent en vertu du paragraphe 24(1), et que l'article 52 n'est pas une source de compétence indépendante.

La Cour divisionnaire, dans sa décision du 2 novembre 1988, a soutenu que la Commission avait raison de maintenir qu'elle avait la compétence nécessaire pour appliquer la Charte. La Cour a maintenu que la Commission est un tribunal compétent en vertu du paragraphe 24(1), relativement aux questions qui lui sont soumises, et a la compétence nécessaire pour appliquer la Charte en vertu de l'article 52 et en vertu de son obligation de common law d'appliquer les lois aux instances qu'elle doit juger. La requête en révision judiciaire a donc été rejetée.

Cuddy Chicks a demandé l'autorisation d'appeler, qui lui a été accordée par la Cour d'appel le 16 janvier 1989.

Dans une décision rendue le 8 septembre 1989, une majorité de la Cour d'appel a rejeté l'appel. La majorité a soutenu que l'obligation de la Commission de trancher toutes les questions de fait ou de droit qui lui sont soumises comprend une obligation de tenir compte de la loi suprême du Canada, c'est-à-dire la Constitution, et de ne pas appliquer de lois institutionnelles. On a remarqué qu'aucun égard ne serait manifesté envers la décision de la Commission sur une telle question par les tribunaux. Un des juges de la majorité a maintenu qu'il n'avait pas à déterminer si la Commission était un tribunal compétent; l'autre a convenu avec le juge dissident que ce n'était pas le cas.

Cette dernière, dans sa décision du 20 décembre 1989, a confirmé la décision de la Cour divisionnaire et rejeté l'appel. Le tribunal a soutenu que les conclusions de la Commission voulant que les droits accordés à Cadillac Fairview par la *Loi sur l'entrée sans autorisation* n'étaient pas absolus et devaient être respectés par rapport aux droits accordés au syndicat en vertu de la *Loi sur les relations de travail*, et que Cadillac Fairview avait agi au nom de Eaton's n'étaient pas clairement déraisonnables.

*Consolidated Bathurst Packaging Ltd.*

Cour suprême du Canada

15 mars 1990, 90 CLC ¶ 14007; [1990] OLRB Rep. March 369

La Commission avait rendu une décision par laquelle elle concluait que Consolidated Bathurst avait enfreint l'article 15 de la *Loi sur les relations de travail* parce qu'elle n'avait pas négocié de bonne foi.

Consolidated Bathurst a demandé que la Commission réexamine sa décision pour les motifs qu'elle avait manqué aux principes de justice naturelle parce que le comité qui avait entendu la plainte avait discuté d'une décision provisoire avec les autres membres lors d'une réunion de la Commission complète. Lorsque le réexamen a été refusé, Consolidated Bathurst a présenté une requête en révision judiciaire pour ces mêmes motifs.

Une majorité de la Cour divisionnaire a soutenu en mai 1985 que les actes de la Commission constituaient une infraction au principe fondamental selon lequel "celui qui entend doit rendre la décision". Le tribunal a manifesté sa préoccupation quant au fait que des personnes ayant pris part à la réunion de la Commission et n'ayant pas entendu la cause aient pu participer à la prise de décision ou, du moins, être considérées comme y ayant pris part. Il a donc annulé la décision, adjugé les dépens contre la Commission et remis la question devant cette dernière pour réexamen.

Un juge dissident a maintenu qu'il était approprié, même souhaitable, que de telles discussions aient lieu, pourvu que seuls les membres du comité qui avaient entendu l'affaire prennent la décision finale. Il aurait rejeté la requête.

La Commission et le syndicat ont tous deux demandé et obtenu la permission d'interjeter appel en juin 1985.

Dans sa décision du 4 septembre 1986, la Cour d'appel, adoptant le raisonnement du juge dissident de la Cour divisionnaire, a remarqué qu'il était important que les comités de la Commission examinent les répercussions de leurs décisions sur le milieu des relations de travail et que, dans le cadre de leurs recherches sur cette question, ils devraient consulter les autres experts membres de la Commission. La Cour a soutenu que ces consultations étaient appropriées pourvu que dans les cas où de nouvelles preuves étaient avancées ou de nouvelles idées soulevées les parties soient rappelées et autorisées à présenter d'autres arguments, et à condition que la décision finale ne soit prise que par les personnes qui avaient entendu la cause. La Cour d'appel a donc infirmé la décision majoritaire de la Cour divisionnaire et rejeté la requête en révision judiciaire.

Consolidated Bathurst a demandé la permission d'interjeter appel devant la Cour suprême du Canada. Elle a obtenu cette permission le 26 mars 1987.

La Cour suprême du Canada, dans sa décision du 15 mars 1990, a confirmé la décision de la Cour d'appel par une majorité de 5 à 2. La majorité a maintenu que les réunions de la Commission complète permettent à cette dernière, lorsqu'elle examine des questions de politiques importantes, de tirer avantage de l'expérience variée de tous ses arbitres, et d'assurer qu'on ne prend pas par mégarde des décisions contraires à des causes semblables. À condition que seuls les membres qui



de sous-traitance qu'elles contenaient. La Commission a soutenu que le piquetage n'avait pas touché le droit de négocier des charpentiers, pas plus que leur droit de représentation en tant qu'agent négociateur exclusif des employés du sous-traitant n'avait été annulé. En outre, les employeurs n'avaient pas pris part à l'instance et n'avaient pas déposé de plaintes concernant les conventions.

La Commission a maintenu qu'un syndicat peut obtenir des conventions collectives qui empêchent d'autres syndicats d'obtenir du travail d'un employeur, et que les cinq compagnies auraient signé les conventions collectives même s'il n'y avait pas eu de piquetage illégitime.

On a demandé que la décision de la Commission soit réexaminée en fournissant les motifs des décisions rendues au cours de l'audience. Cette demande a été refusée puisque ces décisions n'avaient aucun rapport avec la décision finale.

Les charpentiers ont demandé une révision judiciaire pour les motifs que la Commission n'avait pas tenu compte des principes de justice naturelle en refusant de recevoir des preuves sur une question fondamentale et avait commis une erreur en omettant d'accorder une mesure de redressement réelle.

La Cour divisionnaire, dans une décision rendue le 31 mai 1989, a rejeté la requête pour révision judiciaire. Le tribunal a soutenu que la Commission n'avait ni commis un excès de compétence, ni omis de tenir compte des principes de justice naturelle.

*Cadillac Fairview Corporation Limited (T. Eaton Company)*  
**Cour d'appel de l'Ontario**

**20 décembre 1989; 71 O.R. (2d) 206; 18 A.C.W.S. (3d) 927; [1989] O.L.R.B. Rep. December 1292**

Le syndicat s'était plaint que Eaton's et Cadillac Fairview, agissant au nom de son locataire, Eaton's, s'étaient ingérées dans les activités du syndicat en refusant à ses organisateurs l'accès à la propriété de Cadillac Fairview située juste à côté du magasin Eaton's.

La Commission a remarqué que Cadillac Fairview s'était clairement ingérée dans les activités du syndicat, et que la question était donc de savoir si Cadillac Fairview agissait au nom de Eaton's. La Commission a examiné de nombreux facteurs, dont le fait que Eaton's était le principal locataire de Cadillac Fairview, et que cette dernière n'avait elle-même aucune raison commerciale justifiant ses actes. Elle a conclu que Cadillac Fairview agissait effectivement au nom de Eaton's et avait donc enfreint la *Loi sur les relations de travail*. La Commission a ordonné à Cadillac Fairview de permettre aux employés de rencontrer les recruteurs syndicaux sur sa propriété.

Cadillac Fairview a demandé une révision judiciaire de la décision de la Commission pour les motifs que cette dernière avait commis de nombreuses erreurs en concluant que Cadillac Fairview "agissait au nom de" Eaton's et avait excédé sa compétence en accordant un redressement qui annulait les droits de Cadillac Fairview en vertu de la *Loi sur l'entrée sans autorisation*.

Dans sa décision du 30 novembre 1987, la Cour a maintenu que la conclusion de la Commission selon laquelle Cadillac Fairview agissait au nom de Eaton's et avait l'intention requise d'utiliser une pratique déloyale n'était pas clairement déraisonnable. La Cour a également rejeté l'argument de Cadillac Fairview voulant que le redressement accordé par la Commission ait excédé sa compétence. En conséquence, la requête en révision judiciaire a été rejetée.

Le 29 février 1988, Cadillac Fairview a obtenu l'autorisation d'en appeler de la décision de la Cour divisionnaire devant la Cour d'appel.



Au cours de l'exercice à l'étude, les tribunaux ont traité dix requêtes pour révision judiciaire. Neuf de ces requêtes ont été rejetées, et une autorisation d'appel a été demandée et refusée dans deux cas. Une requête de révision judiciaire a été admise, et on a obtenu une autorisation d'appel. Celui-ci était en instance à la fin de l'exercice.

Une requête déposée en vue d'obtenir la suspension d'une décision de la Commission en attendant l'audience de la requête de révision judiciaire a été refusée. Une autre a été rejetée par le greffier de la Cour divisionnaire en raison du retard.

Un exposé de cause a été présenté à la Cour divisionnaire, qui a conclu qu'il y avait eu outrage. On a demandé la permission d'interjeter appel, ce qui a été refusé.

On a entendu les demandes d'autorisation d'appel relativement à cinq requêtes qui avaient été rejetées au cours des années précédentes, dont quatre ont été refusées et une accordée.

Deux appels de rejet de requête en révision judiciaire ont été entendus et rejetés par la Cour d'appel. Dans l'un de ces cas, l'autorisation d'en appeler devant la Cour suprême du Canada a été accordée.

La Cour suprême du Canada a entendu et rejeté un appel.

Seize autres requêtes en révision judiciaire étaient en instance à la fin de l'exercice. Deux appels, un devant la Cour d'appel et un devant la Cour suprême du Canada sont également en instance.

*Bay Towers Homes*  
**Cour suprême de l'Ontario, Cour divisionnaire**  
**31 mai 1989; [1989] OLRB Rep. June 695**

Les charpentiers ont déposé une plainte selon laquelle les journalistes avaient amené diverses compagnies à signer des accords de reconnaissance volontaire en faisant du piquetage illégitime sur le lieu de travail.

Les journalistes négociaient des conventions collectives qui devaient lier cinq compagnies, même si une seule de ces compagnies était syndiquée, et essayaient d'obtenir l'insertion d'une clause interdisant la sous-traitance dans ces conventions. Les compagnies avaient accepté d'inclure cette clause, mais il y a eu rupture des négociations sur la question d'une période d'exemption. Les journalistes ont alors fait du piquetage sur un chantier où les quatre compagnies non syndiquées construisaient des maisons, et cinq conventions collectives ont subseqüemment été signées.

Les charpentiers ont alors demandé à la Commission, par voie de requête, qu'elle déclare qu'il y avait eu grève illégitime et que les cinq conventions collectives étaient nulles. Ils ont soutenu que la grève avait amené la signature de ces conventions et que les clauses d'interdiction de sous-traitance qu'elles contenaient faisaient perdre du travail aux charpentiers.

La Commission a conclu que la grève des journalistes était illégitime et a fait une déclaration à cet effet. Cependant, elle a refusé d'annuler les conventions collectives et les clauses d'interdiction

1981 à 1989 et été membre de ses comités de négociation. Il est l'ancien président immédiat du Construction Employers Coordinating Council of Ontario et en est actuellement le directeur général.

#### STEVE WESLAK

M. Steve Weslak a été nommé membre à temps partiel de la Commission en septembre 1988. Il représente les travailleurs. Membre de la Fraternité internationale des ouvriers en électricité pendant plus de 40 ans, il a fait partie de divers conseils et comités. Il a été membre du conseil exécutif de la section locale 353 pendant 12 ans et président, pendant trois ans. En 1965, M. Weslak a été embauché en tant que recruteur pour la Fraternité. Il a plus tard été directeur adjoint des affaires syndicales, puis secrétaire des finances avant de prendre sa retraite en 1981. Il a également été membre d'un conseil consultatif provincial sur l'apprentissage pendant quatre ans.

#### W.H. (BILL) WIGHTMAN

M. Wightman a été nommé à la Commission pour la première fois en 1968, pour devenir membre à plein temps en 1977. Il a quitté la Commission en avril 1979 pour être député à la 31<sup>e</sup> législature du Canada et secrétaire parlementaire du ministre du Travail. Il a été nommé de nouveau membre à plein temps de la Commission représentant le patronat en mai 1981. Après avoir travaillé pendant 12 ans comme spécialiste des relations industrielles dans les industries des produits pétrochimiques, de l'agro-alimentaire et des soins de la santé aux États-Unis et au Canada, M. Wightman a été directeur des relations industrielles pour l'Association des manufacturiers canadiens de 1966 à 1977. En même temps, il a été le délégué patronal et conseiller technique canadien à l'Organisation internationale du travail à Genève et l'Organisation de coopération et de développement économiques à Paris, et membre du Conseil canadien de la main-d'œuvre et de l'immigration, du Comité consultatif de l'assurance-chômage et du comité du procureur général sur les ateliers industriels dans les prisons. Il détient un diplôme de la Clarkson University (B. B. A., 1950) et de la Columbia University (M. Sc., 1954).

#### NORMAN A. WILSON

M. Wilson a été nommé membre à temps partiel de la Commission représentant les travailleurs en 1979. Membre de la section locale 721 des travailleurs de fer depuis 1949, il en est devenu l'agent syndical en 1955. Plus tard, en 1958, il a été nommé recruteur général du syndicat international pour le Québec et les provinces maritimes. Ce mandat est venu à inclure les provinces de l'Ouest et l'Ontario. En 1968, M. Wilson est devenu le directeur exécutif des opérations canadiennes du syndicat. Il a participé aux activités d'un certain nombre de conseils de métiers du bâtiment. Il a contribué à la création du Comité d'étude de l'industrie de la construction de l'Ontario, en est devenu membre et a agi à titre de coprésident de ce comité.

#### DANIEL WOZNIAK

M. Wozniak a été nommé membre à temps partiel de la Commission représentant le patronat en mars 1987. Il est diplômé de l'Université du Manitoba (B. A.) et de la Manitoba Law School (LL. B.), et a travaillé à divers postes reliés aux fonctions du personnel. Il a commencé sa carrière chez Du Pont Canada Inc., où il a occupé différents postes au service des relations avec les employés. En 1960, il s'est joint à Standard Brands Limited (maintenant appelée Nabisco Brands Ltd.) à Montréal et a été promu au poste de vice-président du personnel et des relations industrielles. En 1976, il est entré à Canada Wire and Cable Ltd. à Toronto, où il a été vice-président du personnel et des relations industrielles jusqu'à sa retraite en 1987. Membre de diverses associations patronales, M. Wozniak a été représentant patronal adjoint au 72<sup>e</sup> congrès de l'OIT à Genève (1986).

relations de travail à l'hôpital Toronto General. Elle a représenté le patronat au sein de conseils d'arbitrage et été membre de diverses associations patronales.

#### GORDON O. SHAMANSKI

M. Shamanski a été nommé membre à plein temps de la Commission représentant le patronat en juillet 1986. Il est diplômé (B. A.) de l'University of Chicago. M. Shamanski possède une vaste expérience dans le domaine du personnel, ayant été le chef du personnel chez Rothmans of Pall Mall Canada Ltd. de 1963 à 1970, et à Canadian Motor Industries Holdings Limited en 1970 à 1971. De 1972 à 1985, il a été le directeur du personnel et des relations industrielles à Domglas Inc., où il était responsable de la négociation des contrats de travail, des audiences devant les tribunaux des relations de travail, de la conception des régimes de rémunération et d'avantages sociaux, de la santé et de la sécurité, du perfectionnement et de la formation des cadres et du recrutement. Il a donné des conférences dans le domaine des relations industrielles et est membre de diverses associations patronales.

#### ROBERT M. SLOAN

Avant d'être nommé membre à plein temps de la Commission représentant le patronat en novembre 1986, M. Sloan était employé par Alcan en tant que directeur des relations industrielles et coordonnateur de la santé et la sécurité au travail. À ce titre, M. Sloan, diplômé de l'Université Sir George Williams (B. A.), prenait directement part à toutes les activités concernant le personnel et les relations de travail, dont la représentation au sein de diverses associations patronales.

#### E. G. (TED) THEOBALD

M. Theobald a été nommé membre à temps partiel de la Commission représentant les travailleurs en décembre 1982. De 1976 à juin 1982, il était l'un des membres élus du conseil d'administration du SEFPO et a rempli, au cours de cette période, un mandat de vice-président. Activiste politique et syndical depuis longtemps, M. Theobald a été président et délégué en chef d'un syndicat local de 600 membres. Il a été membre de nombreux comités syndicaux et a rédigé ou aidé à rédiger plusieurs rapports concernant les relations de travail. Il possède une vaste expérience en matière de procédure de règlement et d'arbitrage de griefs.

#### JANET TRIM

Membre à temps partiel de la Commission représentant le patronat depuis mai 1987, M<sup>me</sup> Trim possède de nombreuses années d'expérience dans le domaine des relations de travail dans l'industrie de la construction. Représentant les entrepreneurs généraux, elle a été membre de comités de négociation créés pour la négociation de conventions collectives provinciales. Elle a été pendant plusieurs années administratrice pour le patronat de fonds en fiducie d'un régime de bien-être et de pension. Elle est actuellement administratrice pour le patronat d'un fonds en fiducie pour l'apprentissage, et membre d'un comité local pour l'apprentissage.

#### MIKE VUKOBRAAT

M. Vukobrat a été nommé membre à temps partiel de la Commission le 31 janvier 1990. Il représente le patronat. Il oeuvre dans l'industrie de la construction électrique depuis 36 ans, en tant qu'entrepreneur-électricien (Power Line Construction Ltd.) depuis 25 ans. En décembre 1989, il a quitté l'organisme et son poste de président pour prendre sa retraite. Il a été directeur de l'Association des entrepreneurs électriciens de l'Ontario de 1973 à 1989, président, de 1979 à 1981; et président de l'Electrical Trade Bargaining Agency de 1985 à 1986. Il a été membre de tous les comités de négociation depuis l'entrée en vigueur de la négociation à l'étendue de la province. M. Vukobrat a également été directeur de l'Electrical Power Systems Construction Association de



Toronto, puis à Cambridge. Il a été secrétaire-trésorier de la conférence canadienne des opérateurs de machines lourdes et secrétaire du Waterloo, Wellington, Dufferin and Grey Building Trades Council.

#### KENNETH V. ROGERS

M. Rogers a été nommé en août 1984 en tant que membre de la Commission à temps partiel représentant les travailleurs. Il a été représentant de l'Union internationale des travailleurs de l'industrie chimique de 1967 à 1976, et secrétaire-trésorier du Syndicat canadien des travailleurs des industries chimiques de 1976 à 1980. Lorsque le Syndicat des travailleurs de l'énergie et de la chimie a été fondé en 1980, M. Rogers en est devenu le coordonnateur pour la région de l'Ontario et a occupé ce poste jusqu'en 1988. Il a déjà été vice-président de la Fédération du travail de l'Ontario. M. Rogers est actuellement directeur des services régionaux et sectoriels du Centre de santé et sécurité des travailleurs et travailleurs.

#### JAMES A. RONSON

M. Ronson a été nommé membre à plein temps de la Commission représentant le patronat en août 1979. Il détient un B. Sc. A. (1965) et un LL. B. (1968) de l'Université de Toronto. Après avoir été admis au barreau, M. Ronson a pratiqué le droit à Toronto. Il a été représentant du patronat au sein de nombreux conseils d'arbitrage.

#### MICHAEL A. ROSS

M. Ross a été nommé membre à temps partiel de la Commission représentant les travailleurs en février 1980. M. Ross, qui a fait des études en sciences économiques et en sciences politiques à l'Université Laurentienne, est le directeur des affaires syndicales de l'Union internationale des journalistes d'Amérique du Nord, section locale 493, depuis douze ans. Il a été secrétaire du Sudbury and District Building and Construction Trades Council pendant quatre ans et est président de ce conseil depuis deux ans. Il en est actuellement à son deuxième mandat de quatre ans en tant que vice-président du conseil du district de l'Ontario de l'Union des journalistes et à sa deuxième année en tant que directeur au conseil de la Corporation du développement régional de Sudbury.

#### MARY ROZENBERG

Mme Rozenberg a été nommée membre à plein temps de la Commission représentant le patronat en mai 1988. Elle possède une vaste expérience dans le domaine des relations de travail, notamment à titre de conseillère de relations de travail. Elle a été active dans la négociation de conventions collectives; l'interprétation, l'application et l'administration de diverses conventions collectives; la recherche relative aux griefs, et la préparation et la présentation de ces derniers pour l'arbitrage; la conception et l'exécution de programmes de relations de travail portant sur le traitement des griefs, l'arbitrage, les mesures disciplinaires, l'assiduité, la direction et les relations de travail pour les superviseurs, et l'enseignement qui s'y rapporte.

#### JUDITH A. RUNDLE

Mme Rundle a été nommée membre à plein temps de la Commission représentant le patronat en juillet 1986. Elle possède une expérience considérable dans le domaine du personnel. Après avoir étudié à l'Université de Toronto, Mme Rundle a occupé des postes de responsabilité dans le domaine du personnel à l'hôpital Toronto General et dans la Compagnie Trust National. En 1979, elle a commencé à travailler à l'hôpital Riverview, d'abord en tant qu'adjoind au directeur du personnel et ensuite, en tant qu'administratrice adjoind des ressources humaines. Entre janvier 1986 et sa nomination à la Commission, Mme Rundle était directrice intermédiaire du personnel et des



Labatt dans plusieurs régions du pays. Il a été l'un des vice-présidents de la Brasserie Labatt Ltée pendant plusieurs années avant de prendre sa retraite en janvier 1982.

#### WILLIAM S. O'NEILL

M. O'Neill a été nommé membre à temps partiel de la Commission représentant le patronat en mars 1986. Depuis 1969, M. O'Neill a occupé plusieurs postes de responsabilité pour Ontario Hydro Ontario, dont ceux d'agent principal des relations de travail dans l'industrie de la construction et de chef des relations de travail dans l'industrie de la construction. Il a déjà été secrétaire-trésorier de l'Electrical Power Systems Construction Association et en est actuellement le directeur général. Il est également directeur sans affectation particulière du Construction Owners Council of Ontario.

#### DAVID A. PATTERSON

M. Patterson a été nommé membre à plein temps de la Commission représentant les travailleurs en avril 1986. Membre des Métallurgistes unis d'Amérique pendant de nombreuses années, il a été élu président de la section locale 6 500 en 1976 et réélu en 1979. En 1981, M. Patterson a été élu directeur du district 6 des Métallurgistes unis d'Amérique. Il a occupé ce poste jusqu'à mars 1986. Lors du congrès du CTC de 1982, il a été élu vice-président sans affectation particulière; il a été réélu à ce poste en 1984. Il a été président du comité de la convention sur la santé et la sécurité (CTC) ainsi que membre du conseil d'administration de l'Association pour la prévention des accidents dans les mines ontariennes. Il a été membre du groupe d'étude patronal-syndical de l'Ontario.

#### HUGH PEACOCK

M. Peacock a été nommé membre à plein temps de la Commission représentant les travailleurs en novembre 1986. Avant de devenir membre de la Commission, il a été représentant législatif pour la Fédération du travail de l'Ontario, ce qui lui a permis d'acquérir de vastes connaissances sur le processus législatif et politique de la province ainsi que sur son régime des relations de travail. Auparavant, il avait été le représentant en éducation et recherche du syndicat des travailleurs du bois (1960-1961), travaillé au service de recherche canadien du TUA (1962-1967), et été négociateur pour la Guilde des journalistes à Toronto (1972-1976). M. Peacock a été député à l'Assemblée législative ontarienne, représentant Windsor Ouest (NPD) de 1967 à 1971. Il fait actuellement partie de divers organismes sociaux et communautaires.

#### ROSS W. PIRRIE

M. Pirrie a été nommé membre à temps partiel de la Commission représentant le patronat en janvier 1985, et membre à plein temps en mai 1988. Après avoir travaillé pour le Canadien national pendant dix ans, M. Pirrie est entré à Shell Canada Ltée en 1960. Il y a occupé divers postes de direction dans le domaine de la gestion générale, de la santé au travail et des ressources humaines. Il était directeur des relations de travail lorsqu'il a pris sa retraite en 1984. M. Pirrie détient un B. A. (psychologie) de l'Université de Toronto.

#### JOHN REDSHAW

M. Redshaw a été nommé membre à plein temps de la Commission représentant les travailleurs en juillet 1986. Il a été représentant syndical pour la section locale 793 de l'Union internationale des opérateurs de machines lourdes de 1966 à 1971. Il a été superviseur régional pour Hamilton, St. Catharines et Kitchener, chargé de la syndicalisation et de la négociation de toutes les conventions collectives dans l'industrie de la construction. De 1979 à sa nomination à la Commission, M. Redshaw a travaillé au service des relations de travail de l'Union, d'abord à

été réélu pour la ronde de négociation de 1990. M. McCarron a été nommé membre à temps partiel de la Commission représentant le patronat en février 1989.

#### CAROLINE M. (CURRIE) MCDONALD

M<sup>me</sup> McDonald a été nommée membre à plein temps de la Commission représentant les travailleurs en juillet 1988. Elle possède de nombreuses années d'expérience dans le domaine des relations de travail, qu'elle a acquises principalement auprès de l'Union des employés de gros, de détail et de magasins à rayons. Plus récemment, elle était l'agente syndicale pour l'Est de l'Ontario, ayant la responsabilité du traitement des griefs, de l'arbitrage, de la négociation des contrats et des conflits de travail. M<sup>me</sup> McDonald a été l'organisatrice ou coordonnatrice des campagnes de syndicalisation des magasins à rayons. Elle était responsable des questions de relations de travail pertinentes à la syndicalisation en Ontario. M<sup>me</sup> McDonald a oeuvré au sein de la Fédération du travail de l'Ontario et du Metropolitan Toronto and Eastern Ontario Labour Council.

#### ROBERT D. McMURDO

M. McMurdo est membre à temps partiel de la Commission représentant le patronat depuis avril 1984. Il est diplômé avec spécialisation en administration des affaires (1953) de l'Université Western, et a exercé de nombreuses fonctions relatives à l'industrie, dont celles de président de la London and District Construction Association, président de l'Association ontarienne de la sécurité dans la construction et président de l'Ontario General Contractors Association. Il est le président de McKay-Cocker Construction Limited et McKay-Cocker Structures Limited de London et est actuellement membre de la Commission consultative de l'industrie de la construction du ministère du Travail.

#### TERRY MEAGHER

M. Meagher a été nommé membre à temps partiel de la Commission représentant les travailleurs en octobre 1985. Il a été secrétaire-trésorier de la Fédération du travail de l'Ontario de 1970 à 1984, après avoir occupé les postes d'agent syndical de la section locale 280 du syndicat des serveurs de boissons et des barmen, et de secrétaire général du Labour Council of Metropolitan Toronto. Il a également été vice-président du comité des droits de la personne du Congrès du travail du Canada et membre du comité des affaires internationales de ce même congrès.

#### RENÉ R. MONTAGUE

M. Montague a été nommé membre à plein temps de la Commission représentant les travailleurs en mars 1986. Membre du Syndicat des travailleurs unis de l'automobile (maintenant les Travailleurs canadiens de l'automobile) pendant de nombreuses années, M. Montague y a occupé de nombreux postes de responsabilité, dont celui de président du conseil d'entreprise pour Northern Telecom. Il possède une vaste expérience dans le domaine de l'arbitrage et de la négociation. En 1985, M. Montague a été élu au comité de direction de United Way of Greater London et était membre du conseil d'administration et du Comité de la campagne Centraide.

#### JOHN W. MURRAY

M. Murray a été nommé membre à temps partiel de la Commission représentant le patronat en août 1981. Il détient un baccalauréat en mathématiques et en physique ainsi qu'une M. A. de l'Université Western en Ontario. Après avoir servi comme lieutenant dans la Marine royale du Canada au cours de la Seconde guerre mondiale, il a commencé une carrière dans la vente en 1946. Il est entré au service des achats chez John Labatt Ltée en 1956 et est devenu directeur des achats en 1957. Par la suite, il a occupé différents postes de cadre supérieur dans le groupe d'entreprises

## HANK KOBRYN

M. Kobryn est membre du syndicat des travailleurs de fer depuis 1948; il a été le président de la section locale 700 de 1951 à 1953. Il a ensuite occupé le poste d'agent syndical de la même section locale à Windsor pendant 16 ans. M. Kobryn a exercé plusieurs autres charges, dont les suivantes : vice-président du Provincial Building and Construction Trades Council of Ontario, 1958 à 1962; secrétaire-trésorier de ce même conseil, 1962 à 1980; membre du comité patronal-syndical provincial sur la sécurité; membre de la commission d'arbitrage patronale-syndicale; membre du Comité d'étude de l'industrie de la construction; et membre du Conseil consultatif sur la santé et la sécurité au travail. M. Kobryn a été nommé membre à plein temps de la Commission représentant les travailleurs en décembre 1980.

## JOHN KURCHAK

M. Kurchak a été nommé membre à temps partiel de la Commission représentant les travailleurs en février 1989. Membre de l'Association internationale des travailleurs du métal en feuilles pendant de nombreuses années, il y a occupé les postes d'agent syndical et de directeur des affaires syndicales pour la section locale 285. M. Kurchak a également été représentant pour le Toronto-Central Ontario Building and Construction Trades Council. En plus de ses activités au sein de la Société d'énergie solaire, il a été un membre actif du comité sur la conservation, l'énergie et la lutte contre la pollution de la Fédération du travail de l'Ontario.

## JAMES LEAR

Avant d'être nommé membre à temps partiel de la Commission en octobre 1988, James Lear était gestionnaire d'entreprise pour le George Wimpey Canada Group, responsable des pratiques d'embauchage et des avantages sociaux des salariés, des assurances, de l'acquisition et la disposition du matériel de construction et de transport, ainsi que de toutes les procédures et tous les systèmes administratifs des divisions de chantiers de construction canadiens de la compagnie. Il a déjà été président de l'Association ontarienne de la sécurité dans la construction et membre du conseil d'examen des politiques de la Commission des accidents du travail de l'Ontario.

## DONALD A. MACDONALD

Avant d'être nommé membre à plein temps de la Commission représentant le patronat en juillet 1986, M. MacDonald a travaillé dans le domaine de la gestion du personnel chez Brown & Root Ltd., de 1957 à 1968, et chez Lummus Canada, de 1968 à 1981. Entre 1981 et sa nomination à la Commission, M. MacDonald était président de la Boilermaker Contractors' Association, où il était responsable des négociations, de l'administration des contrats et de la liaison avec d'autres associations professionnelles. Il a également à son actif la présidence du comité national de l'association des entrepreneurs industriels et la direction de l'Electrical Power Systems Construction Association.

## WILLIAM JOHN (JACK) MCCARRON

M. McCarron a commencé son apprentissage dans le domaine de la plomberie en 1947; il devient actuellement un certificat de qualification de plombier, un certificat de qualification de monteur de tuyaux à vapeur et un permis de maître-plombier. Il a travaillé pour l'entrepreneur en mécanique English & Mould pendant 14 ans, huit ans en tant que gestionnaire des contrats et vice-président. Il travaille actuellement pour la Mechanical Contractors Association of Toronto en tant que directeur des relations du travail, poste qu'il occupe depuis 15 ans. Il fait partie d'un grand nombre d'associations patronales du domaine de la construction et est également président de la négociation provinciale pour la Mechanical Contractors Association of Ontario depuis 1980. Il a



nommé représentant des travailleurs en 1958 et adjoint au directeur régional pour l'Ontario en 1965. En 1969, M. Grasso est devenu directeur régional pour l'Ontario et a été élu au bureau de direction international. Lorsque le district n° 50 a fusionné avec les Métallurgistes unis d'Amérique en 1972, il est devenu représentant des travailleurs des Métallurgistes, chargé du recrutement dans la région de Toronto. En janvier 1982, M. Grasso a été muté au bureau de district et nommé représentant de district chargé de diriger les activités de recrutement du syndicat en Ontario. En juin 1988, il a été nommé membre à plein temps de la Commission.

#### ALBERT HERSHKOVITZ

Avant d'être nommé membre à temps partiel de la Commission représentant les travailleurs en septembre 1986, M. Hershkovitz était agent syndical pour le syndicat des travailleurs de la fourrure, du cuir, de la chaussure et travailleurs connexes et le syndicat des commis-bouchers et bouchers unis. Il a été président du conseil de l'Ontario du Syndicat des travailleurs canadiens de l'alimentation, vice-président de la Fédération du travail de l'Ontario et président du Labour Council of Metropolitan Toronto, comité municipal. En plus d'être président du Comité ouvrier juif de l'Ontario et vice-président de l'Urban Alliance for Race Relations, M. Hershkovitz a été membre du conseil arbitral de la Commission de l'emploi et de l'immigration du Canada.

#### MAXINE A. JONES

Mme Jones, professeure d'anglais et de sciences politiques dans un collège communautaire, a été nommée membre à temps partiel de la Commission représentant les travailleurs en avril 1987. Mme Jones détient un baccalauréat en journalisme ainsi qu'un baccalauréat et un grade supérieur en sciences politiques, et il ne lui reste qu'à terminer sa thèse de doctorat. Elle possède une vaste expérience dans le domaine syndical. Elle a en outre été membre principal du conseil provincial du Syndicat des employés de la Fonction publique de l'Ontario. En outre, elle a acquis une expérience considérable en matière d'arbitrage de griefs dans sa ville de résidence, Windsor, où elle est membre d'un certain nombre de conseils d'organismes communautaires, dont le conseil sur la santé et la sécurité au travail de Windsor, et a été nommée à plusieurs postes par le conseil municipal.

#### FRANK KELLY

M. Kelly a été nommé membre à temps partiel de la Commission représentant les travailleurs en avril 1989. Après avoir terminé ses études dans le domaine du travail, il est devenu membre de la Fraternité internationale des chaudronniers. Il en est membre depuis plus de 40 ans. M. Kelly fait partie du conseil de direction du syndicat depuis 1956, et agit à titre de représentant syndical depuis de nombreuses années.

#### JOSEPH F. KENNEDY

M. Kennedy est le directeur des affaires syndicales de l'Union internationale des opérateurs de machines lourdes, section locale 793, et occupait auparavant le poste de trésorier. Il a contribué à la mise sur pied d'un programme de formation obligatoire pour les conducteurs de treuil en Ontario. M. Kennedy est un administrateur des régimes de retraite et d'avantages sociaux de la section locale 793 ainsi qu'un administrateur du régime de retraite général de l'Union à Washington, D.C. Il est membre du National Safety Council de Chicago en Illinois, membre de la Commission consultative de l'industrie de la construction de l'Ontario, l'un des directeurs de la Commission ontarienne de développement de l'industrie du bâtiment en Ontario et, depuis mai 1983, membre à temps partiel de la Commission des relations de travail de l'Ontario représentant les travailleurs.



pris sa retraite en 1985. Il a été chargé de cours dans des matières reliées au personnel et à la gestion au niveau des collèges communautaires et de l'université et a dirigé des séminaires pour divers groupes patronaux. Il oeuvre en tant que représentant du patronat au sein de conseils d'arbitrage et au sein de diverses associations patronales.

#### KAREN S. DAVIES

M<sup>me</sup> Karen S. Davies a été nommée membre à plein temps de la Commission représentant les travailleurs en juillet 1988. Elle est membre du syndicat des travailleurs canadiens de l'automobile depuis de nombreuses années et y a occupé différents postes. En 1981, elle a été élue présidente de l'unité de négociation des employés techniques, de bureau et professionnels. Elle était responsable de questions telles les négociations, les griefs et l'arbitrage. M<sup>me</sup> Davies a été élue présidente de la section locale 673 en 1987, représentant les employés techniques, de bureau et professionnels de Boeing of Canada Ltd., McDonnell Douglas Canada Ltd., Spar Aérospatiale et Green Shield Prepaid Services. M<sup>me</sup> Davies prend également part aux activités de diverses associations d'employés, telles la Fédération du travail de l'Ontario et les Labour Community Services of Metropolitan Toronto.

#### ANDRÉ ROLAND FOUCAULT

M. Foucault a été nommé membre à temps partiel de la Commission représentant les travailleurs en janvier 1986. Membre du Syndicat canadien des travailleurs du papier depuis 1967, il y a été élu à plusieurs postes. En 1976, il a été nommé au poste de coordonnateur des programmes de la Fédération du travail de l'Ontario. En février 1982, M. Foucault est devenu membre du personnel du Syndicat canadien des travailleurs du papier à titre de représentant national, poste qu'il occupe depuis.

#### W. NEIL FRASER

Avant d'être nommé membre à plein temps de la Commission représentant le patronat le 1<sup>er</sup> janvier 1988, M. Fraser était directeur général des associations canadienne, ontarienne et de la communauté urbaine de Toronto des entrepreneurs de maçonnerie. Il a agi à titre de porte-parole des employeurs lors de négociations collectives à l'étendue de la province avec les briqueteurs et les maçons. Il a représenté l'industrie de la maçonnerie au sein de différents comités sur le code du bâtiment et les normes techniques. Il est l'un des anciens présidents de la section de Toronto de la Société canadienne des directeurs d'association. Il oeuvre au sein de la communauté écossaise : il est le commissaire canadien de la Clan Fraser Society of North America et fait partie du bureau des Clans and Scottish Societies of Canada.

#### WILLIAM GIBSON

Avant d'être nommé membre à plein temps de la Commission représentant le patronat en novembre 1987, M. Gibson était vice-président des relations industrielles chez Robert-McAlpine Ltd., poste qu'il occupait depuis 1976. Entre 1946 et 1976, M. Gibson a occupé divers autres postes administratifs dans le groupe d'entreprises McAlpine. Il a été président de nombreuses associations d'entrepreneurs, ce qui lui a permis de participer de façon active à la négociation et à l'administration de conventions collectives aux niveaux local, provincial et national. Il a été membre à temps partiel de la Commission représentant le patronat entre 1978 et 1984.

#### PAT V. GRASSO

Membre à temps partiel de la Commission représentant les travailleurs depuis décembre 1982, M. Grasso oeuvre dans le mouvement ouvrier en Ontario depuis de nombreuses années. Après avoir occupé diverses fonctions dans le district n° 50 des Mineurs unis d'Amérique, il a été

## Membres représentant les travailleurs et le patronat

### JIM ANDERSON

M. Anderson a été nommé en tant que membre à temps partiel de la Commission représentant les travailleurs en avril 1989. Il oeuvre dans le mouvement ouvrier depuis de nombreuses années. Il a occupé diverses fonctions au sein du Syndicat canadien de la Fonction publique depuis 1954, et en est le directeur régional pour l'Ontario depuis 1982. M. Anderson a également agi à titre de représentant du syndicat au sein de divers conseils d'arbitrage et de représentant des employés au sein de conseils arbitraux de la Commission de l'emploi et de l'immigration du Canada.

### BROMLEY L. ARMSTRONG

Un défenseur des droits de la personne bien connu, M. Armstrong a été nommé membre à plein temps de la Commission représentant les travailleurs en février 1980. Il a occupé divers postes dans les syndicats, dont ceux de représentant syndical local, délégué syndical, représentant du comité d'entreprise et secrétaire des finances. M. Armstrong a pris une part active aux activités de nombreuses associations ethniques et culturelles, ayant contribué à leur fondation dans de nombreux cas. Il est membre de la direction de l'Association canadienne des libertés civiles depuis 1972 et a été membre du Conseil consultatif des relations civiles et multiculturelles de l'Ontario de 1973 à 1975. M. Armstrong a été nommé commissaire de la Commission ontarienne des droits de la personne en 1975, poste qu'il a occupé jusqu'à sa nomination à la Commission des relations de travail. M. Armstrong a reçu une distinction honorifique du gouvernement de la Jamaïque, qui l'a nommé membre de l'Order of Distinction au grade d'officier, dans la Independence Day Civil Honours List de 1983, le City of Toronto Award of Merit en mars 1984 et l'Urban Alliance and Race Relations Award en 1988. En 1990, M. Armstrong a reçu le Harry Jerome Award of Excellence for Achievement and la Reconnaissance ministérielle - contribution à l'égard des relations raciales du ministre d'État, Multiculturalisme et Citoyenneté.

### CLIVE A. BALLENTINE

Membre à plein temps de la Commission représentant les travailleurs depuis 1979, M. Ballentine est membre de l'Union des briqueteurs (section locale 2) depuis 1947. Il y a occupé diverses fonctions, dont celle de président de 1958 à 1959. En 1964, M. Ballentine a été élu agent syndical de la section locale 2 et, en 1968, il est devenu le représentant syndical du Toronto Building and Construction Trades Council. En 1974, il a assumé les fonctions du directeur et secrétaire des finances de ce conseil; il y est resté jusqu'à sa nomination à la Commission. En outre, M. Ballentine est un ancien membre de la direction du Labour Council of Metropolitan Toronto et en a été le vice-président de 1975 à 1977. Il a été membre du Comité d'étude de l'industrie de la construction de l'Ontario et du comité consultatif du premier ministre pour l'avenir de l'économie.

### WILLIAM A. CORRELL

M. Correll, diplômé de l'Université McMaster (B. A., 1949) a été nommé en tant que membre à temps partiel de la Commission représentant le patronat en janvier 1985, et membre à plein temps, en janvier 1988. Ses antécédents dans le domaine du personnel sont impressionnants. M. Correll a occupé des postes de responsabilité dans ce domaine à Stelco, Énergie atomique du Canada Limitée et De Havilland Aircraft Company of Canada pendant un certain nombre d'années, et est entré à INCO Limitée en 1971. Après avoir occupé les postes de vice-président adjoint et de directeur des relations industrielles de cette compagnie, il est devenu vice-président de INCO Metals Company en 1977. Il a été nommé plus tard vice-président d'INCO Limitée et a

#### KATHLEEN O'NEIL, *Vice-présidente*

Avant d'être nommée à la Commission en janvier 1988, Mme O'Neil, diplômée de l'Université de Toronto (B. A., 1972) et de la faculté de droit Osgoode Hall (LL. B., 1977), était vice-présidente au Tribunal d'appel des accidents du travail. Elle a également travaillé comme arbitre, a eu une pratique privée en droit des soins infirmiers et en droit du travail, travaillé en tant qu'avocate-conseil pour des associations d'infirmières et d'enseignants, été membre de la Commission de règlement des griefs des employés de la Couronne et présidé le comité sur la justice du Comité canadien d'action sur le statut de la femme.

#### KEN PETRYSHEN, *Vice-président*

M. Petryshen a été nommé vice-président en juin 1986. Il est diplômé de l'Université de la Saskatchewan à Regina (B. A. spécialisé, 1972) et de l'Université Queen's à Kingston (LL. B., 1976). Après avoir fait un stage à la Commission des relations de travail de l'Ontario et été admis au barreau en 1978, M. Petryshen a pratiqué le droit en tant qu'avocat-conseil du conseil mixte des camionneurs n° 52. Avant sa nomination à la Commission en tant que vice-président, il a été avocat de la Commission.

#### NORMAN B. SATTERFIELD, *Vice-président*

M. Satterfield est devenu membre à temps partiel de la Commission représentant le patronat en octobre 1975. Il a été nommé vice-président en janvier 1978. M. Satterfield détient un B. Sc. C. de l'Université de la Colombie-Britannique (1949) et un diplôme en relations industrielles de l'Université Queen's (1954). Il a travaillé dans le secteur des relations industrielles dans les industries de la brasserie, de la fabrication lourde et de la construction pendant plus de 25 ans avant d'être nommé vice-président.

#### INGE M. STAMP, *Vice-présidente*

Mme Stamp est devenue membre à plein temps de la Commission des relations de travail représentant le patronat en août 1982. En septembre 1987, elle a été nommée vice-présidente. Mme Stamp possède de nombreuses années d'expérience en matière de relations de travail dans l'industrie de la construction. Elle a également représenté l'Association canadienne des entrepreneurs industriels au cours de négociations provinciales en tant que membre de plusieurs organismes négociateurs patronaux.

#### GEORGE T. SURDYKOWSKI, *Vice-président*

M. Surdykowski est devenu vice-président de la Commission en juin 1986. Il est diplômé de l'Université de Waterloo (B.E.S., 1974) et de la faculté de droit Osgoode Hall (LL. B., 1980). Après son admission au barreau de l'Ontario en 1982, il a pratiqué le droit à Toronto jusqu'à sa nomination à la Commission.

#### SUSAN TACON, *Vice-présidente*

Susan Tacon a été nommée à la Commission en tant que vice-présidente en juillet 1984. Elle détient un baccalauréat en sciences politiques (1970) de l'Université York ainsi qu'un LL. B. (1976) et une LL. M. (1978) de la faculté de droit Osgoode Hall, avec une spécialisation en relations de travail. Mme Tacon a dirigé un séminaire sur la négociation collective et l'arbitrage des griefs à la faculté de droit Osgoode Hall pendant plusieurs années et y a aussi été chargée de cours de recherche et de rédaction juridique. En outre, elle a publié plusieurs documents, dont un livre et des articles parus dans des revues de droit, et possède de une vaste expérience en tant qu'arbitre.



1976) et a obtenu sa LL. M. de Harvard University en 1984. M. Herman a donné des cours dans divers domaines du droit, à l'Institut polytechnique Ryerson et à la faculté de droit de l'Université de Toronto. Il travaille également en tant qu'arbitre.

#### **ROBERT D. HOWE, *Vice-président***

M. Howe a été nommé vice-président à temps partiel de la Commission en février 1980 et est devenu vice-président à plein temps le 1<sup>er</sup> juin 1981. Il a obtenu son LL. B. (médaille d'or) à la faculté de droit de l'Université de Windsor en 1972 et a été admis au barreau en 1974. Entre 1972 et 1977, il a enseigné le droit à la faculté de droit de l'Université de Windsor. De 1977 jusqu'à sa nomination à la Commission, il a pratiqué le droit à titre de associé d'un cabinet d'avocats de Windsor tout en continuant d'enseigner à temps partiel à la faculté de droit en tant que chargé de cours spécial en droit du travail et en arbitrage. M. Howe a acquis une expérience considérable comme arbitre, enquêteur et médiateur. Entre mai et août 1984, M. Howe a agi à titre de président intérimaire de la Commission.

#### **BRIAN KELLER, *Vice-président***

M. Keller est devenu vice-président à temps partiel de la Commission en septembre 1988. Il est diplômé de l'Université Sir George Williams (B. A., 1968) et de l'Université d'Ottawa (LL. L., 1971). Il a été vice-président du Conseil canadien des relations du travail entre 1983 et août 1988. M. Keller travaille actuellement comme arbitre et médiateur privé.

#### **PAULA KNOPF, *Vice-présidente***

M<sup>me</sup> Knopf est devenue vice-présidente à temps partiel de la Commission en août 1984. Elle a obtenu un B. A. à l'Université de Toronto en 1972 et un LL. B. à la faculté de droit Osgoode Hall en 1975. Une fois admise au barreau de l'Ontario en 1977, elle a brièvement pratiqué le droit dans un cabinet d'avocats de Toronto avant de mettre sur pied sa propre pratique, se penchant plus particulièrement sur le domaine des relations de travail. M<sup>me</sup> Knopf a déjà été membre du corps professoral de la faculté de droit Osgoode Hall et possède une vaste expérience en tant qu'enquêteur, médiateur et arbitre.

#### **JUDITH MCCORMACK, *Vice-présidente***

M<sup>me</sup> McCormack a été nommée vice-présidente à la Commission en 1986. Elle a fait ses études de premier cycle à l'Université Simon Fraser et a obtenu son LL. B. à la faculté de droit Osgoode Hall en 1976. Admise au barreau en 1978, elle a pratiqué le droit du travail pendant les huit ans qui ont suivi, d'abord dans un cabinet d'avocats de Toronto, et plus tard en tant qu'avocate-conseil interne. En 1986, elle a obtenu sa LL. M. en droit du travail à la faculté de droit Osgoode Hall. M<sup>me</sup> McCormack est l'auteure d'un certain nombre d'articles sur les relations de travail, et elle donne des conférences et effectue de l'arbitrage dans ce domaine.

#### **MARILYN NAIRN, *Vice-présidente***

M<sup>me</sup> Nairn a été nommée vice-présidente de la Commission en juillet 1989. Elle est diplômée de l'Université de Winnipeg (B. A. en science économique, 1977) et de l'Université d'Ottawa (LL. B. avec distinction, 1980). Après avoir été admise au barreau, elle a pratiqué le droit du travail jusqu'à ce qu'elle joigne la Commission en tant qu'avocate en 1987. M<sup>me</sup> Nairn donne également des cours sur les relations patronales-syndicales à l'Institut polytechnique Ryerson et a été chargée de cours dans le domaine des relations de travail au Collège George Brown et à l'Université York.



a établi une pratique privée en tant qu'arbitre dans le domaine des relations de travail. En plus de sa pratique d'arbitrage et de son poste de vice-président à temps partiel, M. Bendel est actuellement membre à temps partiel de la Commission des relations de travail dans la Fonction publique. Il est l'auteur de plusieurs articles sur des sujets reliés au droit du travail et publiés dans des revues de droit.

#### LOUISA M. DAVIE, *Vice-présidente*

M<sup>me</sup> Davie a été nommée vice-présidente de la Commission en avril 1988. Elle est diplômée de l'Université Wilfrid Laurier de Waterloo (B. A., 1977) et de l'Université Western (LL. B., 1980). Après avoir été admise au barreau de l'Ontario en 1982, M<sup>me</sup> Davie a travaillé comme clerc du juge en chef de la Haute Cour de justice. Elle a ensuite pratiqué le droit du travail auprès d'un cabinet d'avocats de Toronto jusqu'à sa nomination à la Commission. M<sup>me</sup> Davie est chargée de cours à temps partiel pour le programme de maîtrise en administration des affaires de l'Université McMaster à Hamilton et agit également à titre d'arbitre.

#### NIMAL V. DISSANAYAKE, *Vice-président*

Un ancien avocat principal de la Commission, M. Dissanayake a été nommé vice-président à temps partiel de la Commission en juillet 1987. Il détient un LL. B. et une LL. M. de l'Université Queen's à Kingston. Après avoir effectué son stage auprès de la Commission, M. Dissanayake a été admis au barreau de l'Ontario en 1980. Avant de travailler pour la Commission en tant qu'avocat, il a occupé le poste de professeur adjoint en relations industrielles à la faculté de commerce de l'Université McMaster de Hamilton de 1978 à 1980. Depuis décembre 1987, il exerce la fonction de vice-président à la Commission de règlement des griefs et travaille dans le domaine de l'arbitrage privé et en tant qu'arbitre en vertu de la *Loi sur les normes d'emploi*.

#### R. A. (RON) FURNESS, *Vice-président*

M. Furness a obtenu un B. Sc. en géologie minière de l'Imperial College, University of London, en 1957, et a travaillé comme géologue à Terre-Neuve, au Québec, en Ontario et au Manitoba jusqu'en 1960. Il a obtenu son LL. B. de la faculté de droit Osgoode Hall en 1961, a été admis au barreau en 1963 et a reçu sa LL. M. de l'Université York en 1968. M. Furness s'est d'abord joint à la Commission des relations de travail en tant qu'avocat en 1963. Il a été nommé vice-président en 1969.

#### OWEN V. GRAY, *Vice-président*

M. Gray est devenu membre de la Commission en octobre 1983 à titre de vice-président. Il est diplômé de l'Université Queen's de Kingston (B. Sc. spécialisé, 1971) et de l'Université de Toronto (LL. B., 1974). Une fois admis au barreau de l'Ontario en 1976, M. Gray a pratiqué le droit dans un cabinet d'avocats de Toronto jusqu'à sa nomination à la Commission. Il jouit aussi d'une vaste expérience en tant qu'arbitre.

#### BRAM HERLICH, *Vice-président*

M. Herlich a été nommé vice-président de la Commission en octobre 1989. Il est diplômé de l'Université McGill (B. A., 1972; M. A., 1977) et de la faculté de droit Osgoode Hall (LL. B., 1982). Avant de devenir vice-président de la Commission, il a pratiqué le droit du travail dans un cabinet d'avocats de Toronto et a également travaillé comme avocat-conseil interne.

#### ROBERT J. HERMAN, *Vice-président*

M. Herman a été nommé vice-président de la Commission en novembre 1985, alors qu'il était un des avocats de la Commission. Il est diplômé de l'Université de Toronto (B. Sc., 1972; LL. B.,

## MEMBRES DE LA COMMISSION

À la fin de l'exercice 1989-1990, la Commission comportait les membres suivants :

MORTON G. MITCHNICK, B. A., LL. B., *Président*

M. Mitchnick assume la présidence de la Commission des relations de travail de l'Ontario depuis le 20 mars 1989. Né à Hamilton en Ontario, il détient un diplôme de l'Université McMaster et a obtenu son LL. B. à l'Université de Toronto. Avant de devenir membre de la Commission en tant que vice-président, poste qu'il a occupé de 1979 à 1986, M. Mitchnick a travaillé dans le domaine des relations de travail pendant huit ans auprès du cabinet d'avocats Miller, Thomson, Sedgewick, Lewis & Healy situé à Toronto. Plus récemment, il a travaillé avec une clientèle variée en tant qu'arbitre et médiateur privé "impartial", et comme arbitre en vertu de la *Loi sur les normes d'emploi*, du *Code des droits de la personne* (1981) de l'Ontario et du *Code canadien du travail*. De 1986 à 1989, il a exercé à temps partiel la fonction de président suppléant du Tribunal des relations de travail de la fonction publique de l'Ontario et, en outre, de 1987 à 1989, celle de vice-président de la Commission des griefs de la fonction publique de l'Ontario.

M. Mitchnick a récemment publié un document comparatif sur le droit du travail et la Charte canadienne des droits intitulé "Union Security and the Charter", ainsi qu'un résumé de la pratique et procédure de la Commission, intitulé "Practice and Procedure before the Ontario Labour Relations Board", qui a paru dans le numéro d'août 1985 de la revue "Advocates' Quarterly". Il a dirigé un grand nombre de séminaires sur la *Loi sur les relations de travail* et l'arbitrage, et est chargé de cours au service de l'éducation permanente de l'Université de Toronto sur le droit de l'emploi et le droit du travail.

RICHARD (RICK) MACDOWELL, *Président suppléant*

M. MacDowell détient un B. A. (spécialisé) en sciences économiques de l'Université de Toronto (1969), une M. Sc. (avec distinction) en sciences économiques du London School of Economics and Political Science (1970) et un LL. B. de la faculté de droit de l'Université de Toronto (1974). Il est chargé de cours à l'Université de Toronto en relations industrielles auprès du département d'économie politique depuis 1971, et de l'école d'études commerciales supérieures depuis 1976. Un ancien avocat principal de la Commission, M. MacDowell a été nommé à son poste actuel de vice-président en 1979. Il possède une vaste expérience en tant qu'arbitre et a exercé la fonction d'enquêteur lors de négociations entre des conseils scolaires et des enseignants. M. MacDowell a également publié plusieurs documents sur les relations de travail. De mai à août 1984, il a occupé le poste de président suppléant de la Commission à titre intérimaire.

MICHAEL BENDEL, *Vice-président*

M. Bendel est devenu membre de la Commission en tant que vice-président à temps partiel en septembre 1987. Il est diplômé de la University of Manchester en Angleterre (LL. B., 1966) et de l'Université d'Ottawa (LL. B., 1975). M. Bendel a travaillé comme avocat au Bureau international du travail à Genève en Suisse de 1966 à 1969. Entre 1969 et 1974, il était employé par l'Institut professionnel de la Fonction publique du Canada (Ottawa) à divers titres, dont ceux de conseiller et de négociateur interne. Après avoir été admis au barreau de l'Ontario en 1977, il a été nommé professeur à la section de common law de la faculté de droit de l'Université d'Ottawa, où il a donné divers cours en droit du travail et autres aux niveaux du baccalauréat et des études supérieures jusqu'en 1984. Cette année-là, M. Bendel a été nommé vice-président de la Commission des relations de travail dans la Fonction publique (Ottawa), où il était responsable de l'arbitrage des différends en vertu de la *Loi sur les relations de travail dans la Fonction publique* et où il a également agi à titre d'arbitre des griefs. Lorsqu'il a quitté cette commission en mai 1987, il

Le Bureau des conseillers juridiques est chargé d'apporter l'aide juridique nécessaire à la Commission dans tous les aspects de son fonctionnement. Les avocats effectuent des recherches et fournissent des conseils juridiques au président, aux vice-présidents et aux membres de la Commission pour les aider à bien leurs tâches quotidiennes. Ils fournissent des opinions juridiques à la Commission et préparent des notes de service relativement à la vaste gamme de questions juridiques soulevées au cours des instances portées devant la Commission. Le Bureau des conseillers juridiques est chargé de préparer tous les formulaires et autres documents juridiques nécessaires à la Commission. La procédure, la pratique et les politiques de cette dernière sont continuellement examinées par les avocats. Ceux-ci sont également responsables de la préparation et de la modification des notes de pratique, des règles de la Commission et des formulaires, au besoin.

Les avocats participent au programme de perfectionnement du personnel de la Commission et rencontrent régulièrement les employés régionaux afin de les tenir au courant des changements survenus au niveau des lois, de la Commission ou du système judiciaire pouvant avoir un effet sur leurs activités quotidiennes. Les agents peuvent consulter les avocats relativement à des questions juridiques soulevées dans le cadre de leur travail. Un avocat prépare de la documentation écrite pour les employés régionaux aux fins de distribution lors de leurs réunions régulières afin qu'ils puissent discuter des décisions récentes de la Commission ou d'autres tribunaux pouvant avoir des répercussions sur la façon dont ils s'acquittent de leurs tâches. Les avocats conseillent également le bibliothécaire de la Commission sur les besoins en matière de documentation pour la recherche juridique et sur les politiques générales d'acquisition de la bibliothèque.

Le Bureau des conseillers juridiques est également chargé de représenter les intérêts de la Commission devant les tribunaux, lorsque des questions touchant les instances portées devant cette dernière ou ses ordonnances deviennent l'objet d'une instance devant un tribunal, comme lorsqu'une requête demandant la révision judiciaire d'une ordonnance de la Commission est déposée ou une demande est présentée sous forme d'exposé de cause devant la Cour divisionnaire. Si les services d'un avocat externe sont retenus pour représenter la Commission, un des avocats, en consultation avec le président, renseigne l'avocat externe et lui donne ses instructions quant à la position de la Commission relativement aux questions soulevées par les instances judiciaires. En outre, le Bureau des conseillers juridiques prépare et compile les documents que la Commission peut avoir à déposer auprès d'un tribunal relativement à ces instances.

Le Bureau des conseillers juridiques prépare également une publication intitulée "Monthly Highlights". Cette publication, créée en 1982, comporte des notes de contenu sur les décisions importantes que la Commission a rendues au cours du mois et d'autres avis et changements administratifs d'intérêt pour le milieu des relations de travail. Cette publication est envoyée gratuitement aux abonnés de "Ontario Labour Relations Board Reports". Le Bureau des conseillers juridiques s'occupe aussi de modifier régulièrement la publication intitulée "Guide, Loi sur les relations de travail de l'Ontario", qui explique dans un langage non technique les principales dispositions de la loi. Le guide a été révisé pour la dernière fois en juin 1986 afin de refléter les modifications apportées à la loi.



Le personnel de la bibliothèque tient un index informatisé des recueils mensuels de décisions de la Commission. Cet index permet l'accès aux décisions à l'aide du sujet, des noms des parties, du numéro de dossier, des lois examinées, des causes citées, de la date, etc. Il permet aux membres et au personnel de la Commission un accès rapide et précis aux décisions de la Commission touchant des questions particulières faisant l'objet d'un examen. La Commission est le premier tribunal de relations de travail au Canada à élaborer et mettre en œuvre ce genre de système. La base de données comprend également un index des décisions sur microfilm. L'index est mis à la disposition du public par l'intermédiaire de Publications Ontario, au 880, rue Bay.

Le personnel de la bibliothèque a également compilé un index manuel des unités de négociation accréditées par la Commission depuis 1980. Cet index permet un accès à l'aide du nom du syndicat et du sujet.

## (b) SERVICES RÉGIONAUX

La Commission étant d'avis qu'il est dans l'intérêt des parties qui lui soumettent des questions, et des relations de travail dans la province en général, de régler leurs conflits elles-mêmes sans recourir à l'audience et à la décision officielles, elle tente d'utiliser au maximum les activités de ses agents des relations de travail à cette fin. Le chef des services régionaux est responsable de cette division. Afin de favoriser l'efficacité générale, le chef met l'accent sur l'établissement de normes de rendement et la surveillance du respect de ces normes, l'affectation des cas, le perfectionnement du personnel et la liaison avec la Commission. Il est aidé de trois agents principaux des relations de travail, chacun responsable d'une équipe d'agents. En plus de traiter une partie des cas, les agents principaux sont chargés de fournir des conseils relativement au traitement de cas particuliers, de gérer à tour de rôle le processus de règlement durant les jours d'accréditation et de contribuer à l'évaluation du rendement des agents. En plus des relations de travail, la Commission emploie deux directeurs du scrutin. Ils tiennent les scrutins sur le caractère représentatif du syndicat ordonnés par la Commission, ainsi que les scrutins sur les dernières offres ordonnées par le ministre du Travail (voir l'article 40 de la loi). Ils sont également chargés d'exécuter le programme de la Commission en ce qui a trait à la renonciation à l'audience dans le cadre des requêtes en accréditation.

Le personnel régional de la Commission a conservé son excellent rendement au cours de l'exercice à l'étude. En ce qui a trait aux plaintes présentées en vertu de la *Loi sur les relations de travail* et de la *Loi sur la santé et la sécurité au travail*, les agents ont traité un total de 1 065 cas, dont 88 pour 100 ont été réglés grâce à leurs efforts. Ils ont traité un total de 995 griefs soulevés dans l'industrie de la construction, dont 93,7 pour 100 ont été réglés. Sur les 527 requêtes en accréditation traitées dans le cadre du programme de renonciation à l'audience, les efforts des agents ont été couronnés de succès dans 391 ou 74 pour 100 des cas.

Le président, ainsi que le chef des services régionaux et les avocats de la Commission, rencontrent les agents à tous les mois afin de régler les questions administratives et d'examiner la jurisprudence de la Commission touchant les activités des agents ainsi que les changements en matière de politiques et dans le domaine juridique pertinents au travail des agents.

## (c) SERVICES JURIDIQUES

Les services juridiques de la Commission sont fournis par le Bureau des conseillers juridiques. Le Bureau comprend trois avocats de la Commission, qui relèvent directement du président. La Commission emploie également deux stagiaires pour aider les avocats à s'acquitter des fonctions du Bureau.



*Loi sur l'arbitrage des conflits de travail dans les hôpitaux*, énonce les lois particulières qui régissent les relations de travail des employés des hôpitaux, particulièrement en ce qui a trait au règlement des conflits touchant la négociation collective. La *Loi sur le maintien des droits syndicaux* (cession d'entreprise conclue par ou avec la Couronne), L.R.O. 1980, chap. 489, prévoit la présentation d'une requête à la Commission lorsqu'il y a cession d'une entreprise de la Couronne à un employeur et vice versa. La *Loi sur la santé et la sécurité au travail*, L.R.O. 1980, chap. 321, accorde aussi un rôle important à la Commission. Une compétence semblable est confiée à la Commission par l'article 134b de la *Loi sur la protection de l'environnement*, L.R.O. 1980, chap. 141. De temps à autre, la Commission est appelée à déterminer l'effet de la *Charte canadienne des droits et libertés* sur les droits des parties en vertu de la *Loi sur les relations de travail*.

Mis à part sa fonction de nature judiciaire, la Commission peut répartir ses activités de la façon suivante : a) Division de l'administration, b) Services régionaux et c) Services juridiques.

## (a) DIVISION DE L'ADMINISTRATION

### *Comité administratif*

Un comité administratif, formé du président, du président suppléant, de la greffière, du greffier adjoint, de la chef du service de l'administration, du chef des services régionaux et des avocats, tient des réunions régulières pour discuter de tous les aspects de l'administration et de la gestion de la Commission.

### *Section de la greffière*

La greffière est l'agente administrative en chef de la Commission. Son personnel comprend un cution générale des opérations quotidiennes de la Commission. Son personnel comprend un greffier adjoint, deux adjointes et trois secrétaires administratives.

La greffière, par l'intermédiaire du greffier adjoint et du chef des opérations, supervise les sections qui ont pour tâche de traiter les requêtes déposées auprès de la Commission conformément aux règles de procédure de cette dernière. Toutes les requêtes que reçoit la Commission passent d'abord par le bureau de la greffière. Elle détermine les dates des audiences, assure le traitement efficace et rapide de chaque cas, et communique avec les parties relativement à toutes les questions touchant les dates des audiences ou à des problèmes particuliers soulevés dans le cadre du traitement d'un cas donné.

### *Chef du service de l'administration*

La chef du service de l'administration est responsable de la coordination et de l'efficacité du fonctionnement de la Commission par l'intermédiaire de la gestion du budget, des fonctions relatives aux ressources humaines et de la bibliothèque, de l'établissement d'une direction en matière d'administration et de la prestation de services communs.

### *Services de bibliothèque*

La bibliothèque de la Commission des relations de travail de l'Ontario emploie trois personnes, dont un chef à plein temps. Le personnel de la bibliothèque offre des services de recherche à la Commission et apporte son aide aux autres utilisateurs de la bibliothèque. Cette dernière tient une collection d'environ 1 200 textes, 25 revues et 30 recueils de décisions dans les domaines des relations industrielles, du travail, des contrats, de la preuve, du droit constitutionnel et du droit administratif. La bibliothèque contient environ 4 500 volumes. La collection comprend les décisions d'autres autorités, dont le Conseil canadien des relations du travail, le U.S. National Labor Relations Board et des tribunaux de travail provinciaux du Canada.

## IV LA COMMISSION

La position du législateur en matière de relations de travail en Ontario est énoncée dans le préambule de la *Loi sur les relations de travail*, L.R.O. 1980, chap. 228, de la façon suivante :

“ . . . il est dans l'intérêt public de la province de l'Ontario de faciliter les bonnes relations entre employés et employeurs en favorisant le recours à la négociation collective entre les employeurs et les syndicats à titre de représentants librement choisis des employés.”

À partir de cette position, la loi confère à la Commission des relations de travail de l'Ontario des pouvoirs relativement à de nombreux aspects importants de la négociation collective, tels l'accréditation des syndicats, les pratiques déloyales, l'arbitrage d'une première convention collective, les grèves et les lock-out illécites, les conflits de juridiction et l'arbitrage des griefs soulevés dans l'industrie de la construction. Afin de mener à bien son mandat, la Commission est composée d'un président et d'un président suppléant, de plusieurs vice-présidents et d'un nombre égal de membres représentant les travailleurs et de membres représentant les employeurs. À la fin de l'exercice, la Commission comprenait le président, le président suppléant, 14 vice-présidents à plein temps, quatre vice-présidents à temps partiel et 42 membres (22 à plein temps et 20 à temps partiel). Ces nominations ont été faites par le lieutenant-gouverneur en conseil.

La Commission des relations de travail de l'Ontario a été établie par une loi. La meilleure façon de la décrire est de parler d'un tribunal quasi-judiciaire, puisque ses fonctions sont à la fois administratives et judiciaires. La Commission tente de simplifier les processus qui mènent à ses décisions et encourage fortement les règlements de différends sans audience formelle avec l'aide de ses agents des relations de travail. Elle s'efforce d'utiliser des procédures informelles, expéditives et justes.

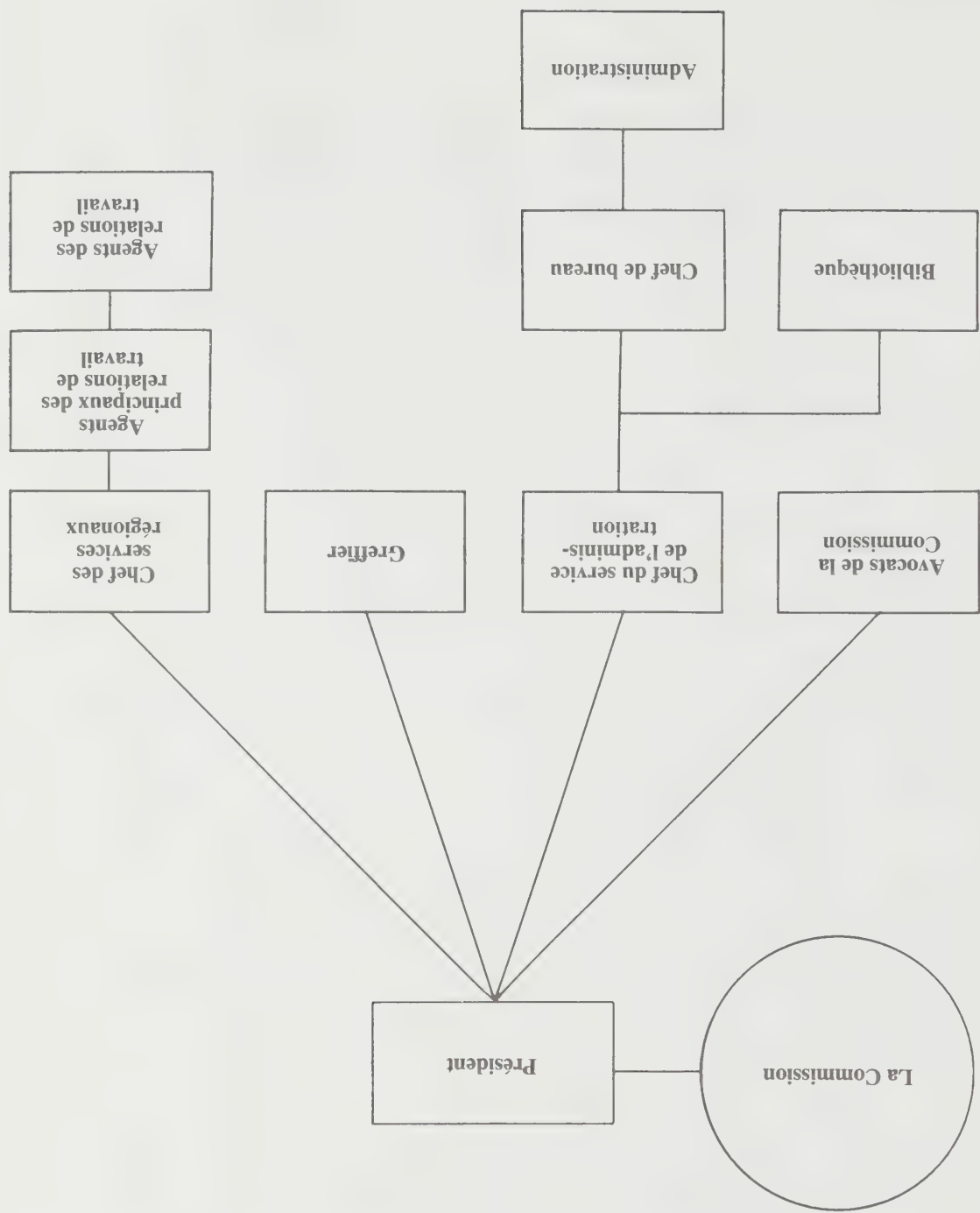
La Commission, en vertu du paragraphe 106(1) de la loi, a compétence exclusive pour exercer les pouvoirs que lui confère la loi ou qui lui sont conférés en vertu de celle-ci et trancher toutes les questions de fait ou de droit soulevées à l'occasion des audiences qu'elle tient. Les décisions de la Commission ne peuvent faire l'objet d'un appel et une clause privative dans la loi limite la possibilité de révision judiciaire. Cependant, la Commission a le pouvoir de réexaminer ses décisions, de sa propre initiative ou à la demande d'une partie concernée.

La Commission régit sa propre pratique et procédure. La publication intitulée *Rules of Procedure, Regulations and Practice Notes* (Imprimeur de la Reine pour l'Ontario) contient les règlements, la procédure et la pratique établis de la Commission. Cette dernière publie de nouvelles notes de pratique dans son rapport mensuel.

La Commission des relations de travail de l'Ontario joue un rôle assez limité relativement à une grande partie de la négociation collective qui relève du secteur public. Par exemple, la compétence de la Commission ne s'étend pas aux employés de la Couronne, aux policiers ni aux pompiers à plein temps et sa compétence est limitée en ce qui a trait aux enseignants des écoles et des collèges communautaires de la province. Voir la *Loi sur la négociation collective entre conseils scolaires et enseignants*, L.R.O. 1980, chap. 464, et la *Loi sur la négociation collective dans les collèges d'arts appliqués et de technologie*, L.R.O. 1980, chap. 74. D'un autre côté, la Commission a pleine compétence en ce qui concerne les employés des municipalités. Un texte de loi distinct, la

III STRUCTURE DE LA COMMISSION

Voici un organigramme sommaire de la Commission des relations de travail de l'Ontario :





## A large black and white group photograph of the 1989-1990 yearbook staff. The group consists of approximately 60-70 students, both male and female, dressed in formal attire such as suits, ties, and dresses. They are arranged in several rows, with some standing in the back and others seated or kneeling in the front. The background is a simple, light-colored wall. The text "1989-1990" is printed vertically on the left side of the photograph.

1989-1990

J. Rundle, R. Herman, C. McDonald, J. Bowman, T. Inniss, R. MacDowell, M. Mitchnick, J. MacDonald, P. Coursey, J. McCormack, S. Tacon, I. Stamp, P. Knopf

J. Rundle, R. Herman, C. McDonald, J. Bowman, T. Inniss, R. MacDowell, M. Mitchnick, J. MacDonald, P. Coursey, J. McCormack, S. Tacon, I. Stamp, P. Knopf

Z. Tang, C. N. Satterfield, T. Meagher, D. Patterson, R. Sloan, J. Ronson, R. Montague, A. HersHKovitz, C. Ballentine, G. Shamanski, J. Kurchak, S. Weslak, M. Rozenberg, A. Grant, F. Kelly, K. Jenkins, A. Jenkins

Z. Tang, C. N. Satterfield, T. Meagher, D. Patterson, R. Sloan, J. Ronson, R. Montague, A. HersHKovitz, C. Ballentine, G. Shamanski, J. Kurchak, S. Weslak, M. Rozenberg, A. Grant, F. Kelly, K. Jenkins, A. Jenkins

*3<sup>e</sup> rangée*  
R. Howe, R. Pirrie, R. Furness, D. MacDonald, J. Redshaw, K. Petryshen, O. Gray, E. Theobald, D. Wozniak

R. Howe, R. Pirrie, R. Furness, D. MacDonald, J. Redshaw, K. Petryshen, O. Gray, E. Theobald, D. Wozniak

<sup>4</sup> *ringee*  
G. Sundrykowski, K. Rogers, B. Armstrong, K. Davies, P. Grasso, M. Nairn, J. Johnston, M. Jones, J. Trim, W. Wightman, A. Foucault, K. MacDonald, K. O'Neil, D. Lillico

<sup>4</sup> *ringee*  
G. Sundrykowski, K. Rogers, B. Armstrong, K. Davies, P. Grasso, M. Nairn, J. Johnston, M. Jones, J. Trim, W. Wightman, A. Foucault, K. MacDonald, K. O'Neil, D. Lillico

H. Kobryn, W. Correll, H. Peacock, W. Fraser, J. Lear, P. Toop, B. Herlich, L. Davie

H. Kobryn, W. Correll, H. Peacock, W. Fraser, J. Lear, P. Toop, B. Herlich, L. Davie

*Absents sur la photo:*  
D. Vallée, M. Dondal, W. Gibson, W. McGarron, D. McMurdo, I. Murray, W. O'Neill, M. Vukobrat, P. Anderson

*Absents sur la photo:*  
D. Vallée, M. Dondal, W. Gibson, W. McGarron, D. McMurdo, I. Murray, W. O'Neill, M. Vukobrat, P. Anderson



En mai 1986, la *Loi de 1986 modifiant la Loi sur les relations de travail*, Lois de l'Ontario de 1986, chap. 17, a été adoptée afin de prévoir l'arbitrage d'une première convention collective. Lorsque les négociations ont échoué, l'une ou l'autre des parties peut faire une demande à la Commission pour qu'elle ordonne le règlement d'une première convention collective par arbitrage. La Commission doit, dans un délai fixe, déterminer si le processus de la négociation collective a échoué pour certains motifs établis. Si l'ordre est rendu, les parties peuvent demander à la Commission d'arbitrer le règlement.

En décembre 1986, la *Loi de 1986 modifiant des lois concernant les droits à l'égalité* a modifié, entre autres, la *Loi sur les relations de travail* afin qu'elle concorde avec le *Code des droits de la personne* (1981) et la *Charte canadienne des droits et libertés*. Les dispositions interdisant à la Commission d'accréditer un syndicat qui pratique une discrimination et considérant une convention comme n'étant pas une convention collective si elle prévoit de la discrimination ont été modifiées. Elles comprennent maintenant tous les motifs de discrimination interdits par le Code et la Charte.

Le 31 mars 1990, les amendes imposées par la *Loi sur les relations de travail* ont été augmentées par la *Loi de 1989 sur le rajustement de peines provinciales*, Lois de l'Ontario de 1989, chap. 72, art. 48. Dans les cas d'infraction à la loi, l'amende pour une personne physique a doublé, passant à 2 000 \$, et celle pour une personne morale ou un syndicat est passée à 25 000 \$.

En 1970, en vertu de la *Labour Relations Amendment Act, 1970*, la Commission a vu augmenter de façon considérable ses pouvoirs de redressement. On prévoyait d'autoriser un agent des relations de travail à mener une enquête relativement à certaines plaintes en vue de régler ces questions. L'ajout le plus intéressant en ce qui a trait aux cas dans lesquels la Commission pouvait rendre des ordonnances de redressement était celui concernant le manquement à la toute nouvelle "obligation d'être impartial dans son rôle de représentant". Cette obligation, imposée aux syndicats, les empêchait de se comporter de façon arbitraire ou discriminatoire, ou de faire preuve de mauvaise foi dans la représentation des employés en faveur desquels ils détenaient un droit de négocier. Par la suite, cette obligation du syndicat d'être impartial a été étendue dans le choix des employés pour un emploi. La Commission a également obtenu le pouvoir de rendre des ordonnances "de cesser et de s'abstenir" relativement aux grèves et aux lock-out illécitales dans l'industrie de la construction. Ces ordonnances seraient déposées devant la Cour suprême et exécutées en tant qu'ordonnances de cette cour.

Les pouvoirs de redressement de la Commission en vertu de la *Labour Relations Act* ont été élargis considérablement en 1975 (*Labour Relations Amendment Act, 1975*, S.O. 1975, c. 76). On a permis à la Commission d'autoriser un agent des relations de travail à mener une enquête concernant toute plainte d'infraction à la *Labour Relations Act*. Une entente conclue par les parties et mise par écrit liant ces dernières, et un manquement à une telle entente pouvait être traité de la même manière qu'un manquement à une disposition de la loi. Les pouvoirs de redressement de la Commission ont été étendus à toutes les infractions à la loi, et les ordonnances de la Commission avaient la même force exécutoire qu'une ordonnance de la Cour suprême. La Commission a également obtenu le pouvoir de rendre des ordonnances "de cesser et de s'abstenir" relativement aux grèves et aux lock-out illécitales. C'est également en 1975 que la compétence de la Commission a été élargie pour lui permettre de rendre des décisions concernant les griefs soumis par l'une des parties à une convention collective dans l'industrie de la construction.

En juin 1980, la *Loi de 1980 modifiant la Loi sur les relations de travail* (n° 2), Lois de l'Ontario 1980, chap. 34, a été adoptée prévoyant la retenue obligatoire des cotisations syndicales et le droit de tous les employés d'une unité de négociation de participer aux scrutins de ratification ou de grève. En outre, une disposition permettait au ministre du Travail d'ordonner la tenue d'un scrutin parmi les employés d'une unité de négociation sur les dernières offres de leur employeur, à la demande de ce dernier. En juin 1983, la *Loi de 1983 modifiant la Loi sur les relations de travail*, Lois de l'Ontario de 1983, chap. 42, est entrée en vigueur. Elle ajoutait à la loi l'article 71a, qui interdit de faire preuve d'inconduite liée à une grève et de retenir les services d'un briseur de grève professionnel ou d'agir à ce titre. Jusqu'à maintenant, la Commission n'a pas eu à interpréter ou à appliquer l'article 71a.

En juin 1984, on a adopté la *Loi sur les relations de travail*, Lois de l'Ontario de 1984, chap. 34. Cette loi portait sur différentes questions. Elle a donné à la Commission une compétence explicite pour traiter les cas de piquetage illécite ou de menaces de piquetage illécite et permet à une partie touchée par une telle action d'obtenir un redressement par l'entremise des procédures accélérées prévues aux articles 92 et 135, plutôt que par le processus plus compliqué prévu à l'article 89. La loi a également permis à la Commission de prendre des mesures rapidement à l'égard des ententes illégales touchant le secteur industriel, commercial et institutionnel de l'industrie de la construction. Elle a également établi le groupe d'employés habiles à voter approprié pour les scrutins de grève, lock-out et ratification de ce secteur et prévu une méthode de présentation des plaintes relatives au droit de voter des employés au ministre du Travail. La nouvelle modification a également éliminé la période d'attente de 14 jours avant qu'une sentence arbitrale puisse être soumise à un tribunal aux fins d'exécution si elle n'a pas été respectée.

même, n'était pas un recours très exhaustif. Dans un cas où une personne s'était vu refuser un emploi, renvoyée, menacée ou contrainte, avait fait l'objet de discrimination ou avait été traitée de manière contraire à la loi de toute autre façon, le recours approprié consistait en une enquête menée par un conciliateur qui faisait ensuite un rapport au ministre, qui ensuite pouvait rendre l'ordonnance appropriée.

Ainsi, mis à part le pouvoir d'accorder ou de révoquer l'accréditation, la Commission n'avait qu'un pouvoir très limité. Le pouvoir de faire certaines déclarations, de prendre certaines décisions ou d'autoriser la poursuite en vertu de la loi n'offrait qu'un redressement limité. Au cours des années 1950, la Commission a acquis un pouvoir assez important, soit celui d'accorder à un syndicat le statut de "successeur" (*Labour Relations Amendment Act, 1956*, S.O. 1956, c. 35). En 1962, l'article complémentaire prévoyant le maintien du droit de négocier dans le cas "d'employeurs qui succèdent à un autre" a été adopté et plus tard modifié afin de conserver les conventions collectives existantes (*Labour Relations Amendment Act, 1961-62*, S.O. 1961-62, c. 48; *Labour Relations Amendment Act, 1970*, S.O. 1970, c. 85.)

La *Labour Relations Amendment Act, 1960*, S.O. 1960, c. 54, a apporté un certain nombre de modifications au rôle de la Commission. Principalement, cette dernière a obtenu le pouvoir d'ordonner la réintégration avec ou sans indemnisation. De concert avec ce nouveau pouvoir est venu celui de désigner un agent régional pour mener des enquêtes concernant les plaintes. Les ordonnances de réintégration et d'indemnisation de la Commission pouvaient être déposées devant la Cour suprême de l'Ontario et exécutées en tant qu'ordonnances de cette cour. La Commission a également obtenu le pouvoir de soumettre les conflits de juridiction à une nouvelle commission de règlement des conflits de juridiction ayant le pouvoir de rendre des ordonnances ou des décisions provisoires. La Commission n'avait qu'un pouvoir limité de réviser ces décisions. Tout comme les ordonnances de réintégration et d'indemnisation de la Commission, les ordonnances provisoires pouvaient être déposées devant la Cour suprême et être ainsi exécutées en tant qu'ordonnances de cette cour. On avait également donné à la Commission le pouvoir de fixer une date d'échéance pour les dépôts de preuves d'affiliation et de preuves d'opposition à l'accréditation, ainsi que de refuser de créer une unité comprenant seulement des employés d'un corps de métier s'il y avait déjà eu des antécédents sur le plan syndical dans une usine. En 1960, on a ajouté des dispositions permettant les scrutins sur le caractère représentatif du syndicat avant une audience.

En 1962, la *Labour Relations Amendment Act, 1961-62* ajoutait de nouvelles dispositions à la loi afin de répondre aux problèmes particuliers manifestés dans l'industrie de la construction. On donnait à cette industrie un régime distinct mais assez semblable en vertu de la loi à la suite des recommandations présentées dans le "rapport Goldenberg" (*Report of The Royal Commission on Labour Management Relations in the Construction Industry*, mars 1962). On prévoyait la détermination d'unités de négociation selon les régions géographiques plutôt que selon des chantiers particuliers. La Commission, en consultation avec les parties concernées, a divisé la province en régions géographiques aux fins de l'accréditation dans l'industrie de la construction. Les politiques en matière de travail touchant l'industrie de la construction ont continué d'évoluer. En 1977, on a adopté une loi prévoyant les négociations à l'étendue de la province dans le secteur industriel, commercial et institutionnel de cette industrie à la suite des recommandations présentées dans le "rapport Franks" (*Report of the Industrial Inquiry Commission into Bargaining Patterns in the Construction Industry of Ontario*, mai 1976) (*Labour Relations Amendment Act, 1977*, S.O. 1977, c. 31). D'autres modifications ont été apportées à la loi relativement à l'industrie de la construction en 1979 et 1980. La *Labour Relations Amendment Act, 1979* (No. 2), S.O. 1979, c. 113, et la *Loi de 1980 modifiant la Loi sur les relations de travail*, Lois de l'Ontario de 1980, chap. 31, étendaient les droits de négociation des syndicats dans l'industrie de la construction pour tout employeur relatif- vement au secteur industriel, commercial et institutionnel de l'industrie; interdisaient les grèves et les lock-out sélectifs; et prévoyaient une procédure de ratification rapide.



## [TRADUCTION]

... les syndiqués se plaignaient du coût élevé des instances portées devant le tribunal, les juges n'étaient pas empressés de traiter les questions de travail en vertu de la loi et, ce qui est encore plus important, les conservateurs, qui avaient promis d'abroger la loi s'ils étaient élus, formaient le gouvernement de l'Ontario au printemps 1944."

Une mesure prise par le gouvernement fédéral en temps de guerre dans le but de centraliser les lois relatives aux relations de travail a directement amené la disparition du tribunal du travail (et donc la création d'une Commission). En raison de la répartition des pouvoirs entre les gouvernements fédéral et provinciaux, les relations de travail au Canada relèvent de l'un ou l'autre des deux paliers de gouvernement selon que l'entreprise est du ressort fédéral ou provincial. En 1907, le gouvernement fédéral a tenté d'amener les conflits de travail relatifs aux services publics et aux mines de charbon sous l'autorité fédérale en adoptant la *Loi des enquêtes en matière de différends industriels*. Les conflits soulevés dans d'autres industries étaient souvent volontairement assujettis aux dispositions de cette loi. En 1925, le Conseil privé a soutenu que cette loi était un excès de pouvoir du Parlement fédéral parce qu'elle empiétait sur le pouvoir provincial relativement à la propriété et aux droits civils. (*Toronto Electric Commissioners v. Snider*, [1925] A.C. 396; [1925] 2 D.L.R. 5).

Par la suite, la loi a été modifiée de façon à n'inclure que les industries relevant de la compétence fédérale. Ainsi, les relations de travail devenaient en grande partie une responsabilité provinciale, même si une disposition de la loi fédérale permettait, en réalité, aux provinces d'adhérer au régime fédéral (ce que toutes les provinces à l'exception de l'Île-du-Prince-Édouard ont fait pendant un certain temps). Cependant, il était inévitable, étant donné la situation constitutionnelle du Canada, que la politique en matière de travail soit décentralisée; le régime ontarien reflétait cette décentralisation. Toutefois, le fait que le Canada était en guerre a permis au gouvernement fédéral d'utiliser ses pouvoirs extraordinaires pour adopter le décret C.P. 1003. Ce dernier sanctionnait les principes généraux de la loi américaine *Wagner Act*, et demandait l'établissement d'une autorité réglementaire indépendante. Le tribunal du travail de l'Ontario a été remplacé par la Commission des relations de travail de l'Ontario, en vertu de la *Labour Relations Board Act*, 1944, S.O. 1944, c. 29, qui était assujettie au Conseil des relations ouvrières en temps de guerre du Canada. Le président de cette toute nouvelle commission ontarienne était Jacob Finkelman, qui avait été le greffier du tribunal du travail.

En 1947, la Commission des relations de travail de l'Ontario est devenue indépendante du gouvernement fédéral en vertu de la *Labour Relations Board Act*, 1947, S.O. 1947, c. 54. L'année suivante, la *Labour Relations Board Act*, 1948, S.O. 1948, c. 51, a été adoptée. La loi de 1948, qui a été adoptée en prévision de la nouvelle loi fédérale, abrogeait les lois précédentes sur la Commission des relations de travail et donnait au lieutenant-gouverneur en conseil le pouvoir d'établir des règlements "ayant la même forme et la même valeur que... les lois adoptées par le Parlement du Canada au cours de la session courante...". Cette loi était essentiellement transitoire puisqu'on avait déjà commencé à rédiger une loi provinciale distincte que l'on a d'abord adoptée sous le titre de *Labour Relations Act*, 1950, S.O. 1950, c. 34.

La principale fonction de la Commission était, et est toujours, d'accréditer les syndicats en tant qu'agents négociateurs. L'histoire de la Commission est en grande partie une histoire d'acquisition de nouveaux pouvoirs et de nouvelles fonctions, à mesure que se présentaient de nouvelles façons de traiter les problèmes reliés aux relations industrielles. Cependant, au tout début, le rôle de la Commission était assez limité. En 1950, elle n'avait à sa disposition aucun mécanisme d'application de la loi. La principale méthode d'application de la loi était la poursuite, qu'elle devait autoriser. La Commission avait le pouvoir de déclarer une grève ou un lock-out illicite qui, en lui-



## II HISTORIQUE DE LA LOI

En 1943, l'Assemblée législative de l'Ontario a amorcé une des premières tentatives au Canada d'instituer un système effectif de négociation collective obligatoire. La *Collective Bargaining Act, 1943*, S.O. 1943, c. 4 a été adoptée à la suite d'une audience publique devant un comité spécial de l'Assemblée législative provinciale. Même si aucun des groupes d'intérêt qui avaient présenté des mémoires au comité spécial n'avait exercé de fortes pressions en faveur de l'établissement d'un "tribunal du travail", le comité a jugé que cette possibilité était celle à appuyer. Le rapport du comité a été déposé devant l'Assemblée législative le 25 mars 1943 sous la forme d'un avant-projet de loi qui a été adopté le 14 avril 1943, sanctionnant la négociation collective en Ontario sous la direction du tribunal du travail de l'Ontario, une division de la Cour suprême de l'Ontario.

La Loi de 1943 a aboli les doctrines de conspiration et de restriction à la liberté du commerce de la common law s'appliquant aux syndicats et a donné aux employés le droit de prendre part à des activités syndicales. Un syndicat pouvait demander d'être accrédité en tant qu'agent négociateur d'un groupe d'employés. Le tribunal avait le pouvoir de déterminer l'unité de négociation appropriée. On a souligné que :

### [TRANSDUCTION]

"... la forme et la structure du régime de négociation collective devaient être déterminées par un tribunal qui devait élaborer des politiques ayant pour but de favoriser des négociations collectives se déroulant dans l'ordre. On a reconnu que la loi portait à la fois sur des fonctions administratives et des fonctions judiciaires. Le tribunal avait également le pouvoir de déléguer ses responsabilités non judiciaires afin de pouvoir établir une infra-structure administrative pour appuyer son rôle 'judiciaire'." [MacDowell, R.O., "Law and Practice before the Ontario Labour Relations Board" (1978), 1, Advocate's Quarterly, pp. 198-200.]

La loi comportait plusieurs caractéristiques que l'on trouve maintenant dans toutes les lois touchant les relations de travail : les organismes dominés par la direction ne pouvaient être accrédités ; les cadres n'étaient pas couverts par la loi ; les employeurs ne pouvaient exercer de discrimination à l'égard des employés parce qu'ils prenaient part à des activités syndicales ; les employeurs devaient reconnaître un agent négociateur accrédité ; les parties devaient négocier de bonne foi. Le tribunal du travail possédait de vastes pouvoirs correctifs ; ce que la Commission des relations de travail de l'Ontario n'aurait pas avant plusieurs années. Le tribunal était le seul organe de règlement des différends soulevés dans le cadre d'une convention collective. Cette fonction devait être exécutée sans qu'il n'en coûte aux parties. Elle est maintenant exécutée par des conseils d'arbitrage privés ou des arbitres uniques et, lorsqu'il s'agit de conflits dans l'industrie de la construction, par la Commission des relations de travail.

Le tribunal du travail de l'Ontario ne devait avoir qu'une durée de vie très courte (il a débuté ses activités en juin 1943 et entendu sa dernière affaire en avril 1944). Dans son livre, *The Ontario Labour Court 1943-44* (Centre des relations industrielles de l'Université Queen's, Kingston, 1979), John A. Willes explique la cessation rapide des activités du tribunal de la façon suivante :

# I INTRODUCTION

Voici le dixième rapport annuel de la Commission des relations de travail de l'Ontario. Cette dernière a publié son premier rapport annuel en 1980-1981. Le présent rapport porte sur la période du 1<sup>er</sup> avril 1989 au 31 mars 1990.

Le rapport contient des renseignements à jour sur la structure organisationnelle et les changements administratifs d'intérêt pour le public et souligne les modifications apportées au personnel de la Commission. Comme pour les années précédentes, le rapport comprend un sommaire statistique et des analyses de la charge de travail de la Commission pendant l'exercice étudié. On y donne également des tableaux statistiques détaillés sur divers aspects des fonctions de la Commission.

Le présent rapport comporte une section qui décrit brièvement chacune des affaires soumises à la Commission qui a fait l'objet d'une révision devant les tribunaux au cours de l'année. Puisqu'un grand nombre de ces jugements ne sont pas publiés, les résumés présentés dans le rapport annuel de la Commission sont utiles aux avocats en exercice. On continue d'inclure l'historique du texte de la *Loi sur les relations de travail* et de souligner toute modification apportée à la loi au cours de l'exercice.

## MESSAGE DU PRÉSIDENT

Si j'avais dû rédiger ce message au cours des premiers mois suivant ma nomination, il aurait probablement ressemblé à une missive jetée à la mer dans une bouteille dans l'espoir d'obtenir du secours. Mes six années à la Commission en tant que vice-président ne m'avaient aucunement préparé au travail qu'est devenu celui d'administrer un important tribunal, et la première année a été, du moins pour moi, une année de transition.

Cependant, la Commission a toujours eu la chance de posséder un personnel et des cadres supérieurs compétents, ce qui m'a permis d'observer son fonctionnement et d'en apprendre davantage sur ses besoins et processus d'un point de vue administratif. Il va sans dire que la participation avec les autres gestionnaires de la Commission au processus laborieux de la préparation du programme informatique de la Commission pour mise en application a fait partie de cette expérience d'apprentissage. Je suis tout à fait convaincu que le temps et les efforts consacrés à ce processus mèneront très bientôt à un produit que la communauté des relations de travail jugera très avantageux.

La Commission a pour but, nous le savons, de servir la communauté des relations de travail, et nous essayons toujours d'améliorer l'efficacité et la rentabilité de ce service. La Commission utilise d'avantage le mécanisme des conférences préparatoires à l'audience et doit continuer de le faire en contrepoint de la tendance aux instances plus longues et coûteuses. Un domaine qui continue de nous décevoir est celui du temps et des ressources consacrés, à la fois par la Commission et la communauté, au règlement des "conflits de juridiction". La Commission reconnaît pleinement la nécessité d'essayer de trouver d'autres façons de régler ces conflits.

Le programme informatique, une fois prêt à être mis en service, permettra à la Commission, entre autres, de surveiller plus étroitement et plus régulièrement ses niveaux de rendement statistiques. La communauté des relations de travail sera heureuse d'apprendre que, grâce à ce programme, la Commission pourra la première fois rassembler des renseignements et présenter des rapports sur le temps perdu dans le règlement des cas dont elle est saisie en raison d'ajournements entraînés par les parties. Cependant, nous reconnaissons également que le prononcé des décisions, une fois l'audience d'une affaire terminée, est entièrement entre les mains de la Commission, et nous nous sommes engagés à poursuivre nos efforts en vue de simplifier notre processus, pour donner à nos arbitres la possibilité de fournir à la collectivité des décisions rapides dont la haute qualité restera la même.



Ontario  
Labour Relations  
Board

Commission  
des relations  
de travail de l'Ontario

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Le 13 Decembre, 1990

L'honorable Bob Mackenzie  
Ministre du Travail  
400, avenue University  
14<sup>e</sup> étage  
Toronto (Ontario)  
M7A 1T7  
Monsieur,

Il me fait plaisir de vous présenter le dixième rapport  
annuel de la Commission des relations de travail de  
l'Ontario pour la période du 1<sup>er</sup> avril 1989 au 31 mars  
1990.

Je vous prie d'agréer, Monsieur, l'assurance de ma très haute  
considération.

Le président,

M. G. Mitchnick



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*Commission des relations de travail de l'Ontario*  
*400, avenue University*  
*Toronto (Ontario)*

**COMMISSION DES RELATIONS DE TRAVAIL  
DE L'ONTARIO  
RAPPORT ANNUEL  
1989-1990**



COMMISSION DES RELATIONS DE TRAVAIL DE L'ONTARIO

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M.G. MITCHNICK

*Président suppléant*

R.O. MacDOWELL

*Vice-président*

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L.M. DAVIE

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D. WOZNIAK

K.A. MacDONALD

C. EDWARDS

J.E. BOWMAN

T.A. INNIS

*Avocates de la Commission*

*Greffier adjoint*

*Greffière*

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J. LEAR

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W.N. FRASER

A.R. FOUCAULT

K.S. DAVIES

W.A. CORRELL

C.A. BALLENTINE

B.L. ARMSTRONG

R.J. ANDERSON





# RAPPORT ANNUEL 1989-1990

COMMISSION DES RELATIONS DE  
TRAVAIL DE L'ONTARIO

CA20N  
LR  
-A56

# ONTARIO LABOUR RELATIONS BOARD

## ANNUAL REPORT

1990-91  
1991-92



## ONTARIO LABOUR RELATIONS BOARD

Chair	M. G. MITCHNICK
Alternate Chair	R.O. MacDOWELL
Vice-Chair	M. BENDEL
	J. BLOCH
	L. M. DAVIE
	N. DISSANAYAKE
	O.V. GRAY
	B. HERLICH
	R.J. HERMAN
	R.D. HOWE
	J. JOHNSTON
	B. KELLER
	P. KNOPF
	S. LIANG
	J. McCORMACK
	M. NAIRN
	K. O'NEIL
	K. PETRYSHEN
	N.B. SATTERFIELD
	I. STAMP
	G.T. SURDYKOWSKI
	S. TACON

### Members

R.J. ANDERSON	R.R. MONTAGUE
B.L. ARMSTRONG	J.W. MURRAY
C.A. BALLENTINE	D.A. PATTERSON
W.A. CORRELL	H. PEACOCK
K.S. DAVIES	R.W. PIRRIE
A.R. FOUCAULT	F.B. REAUME
W.N. FRASER	J. REDSHAW
P.V. GRASSO	K.V. ROGERS
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J. LEAR	M.M. VUKOBRAT
D.A. MacDONALD	W.H. WIGHTMAN
C.M. McDONALD	D. WOZNIAC

Registrar  
Deputy Registrar

T.A. INNISS  
P. GRENIER

Board Solicitors

R. LEBI  
K.A. MacDONALD

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Ontario  
Labour Relations  
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September 15, 1992

The Honorable Bob MacKenzie  
Minister of Labour  
400 University Avenue  
14th Floor  
Toronto, Ontario  
M7A 1T7

Dear Minister:

It is my pleasure to provide to you the eleventh Annual Report of the Ontario Labour Relations Board, which covers both the period commencing April 1, 1990 to March 31, 1991, and the period commencing April 1, 1991 to March 31, 1992.

Sincerely,

A handwritten signature in cursive script, reading "Mort Mitchnick".

M. G. Mitchnick  
Chair



## CHAIR'S MESSAGE

The past year really marks the transition of this Board to a computer-enhanced agency from one functioning totally on the basis of manual processes (and memory). With some 4,000 cases making their way through the Board each year now, it surely was a change that had to take place.

Such a change-over, however, is not accomplished without a great deal of time and effort, and I extend sincere thanks and congratulations to the full administration and support staff of the Board for the manner in which they coped with a difficult task. With that system in place, we now are able to:

- 1) co-ordinate the inputting of all case data;
- 2) provide instant case-tracking in response to both internal and external queries;
- 3) monitor the Board's performance on an immediate and ongoing basis; and
- 4) capture our own statistical data, to allow for longer-term reporting and planning.

The fourth of those phases has taken the longest to be developed, resulting in a period of delay from the time that the Board would normally have anticipated being in a position to draw together its 1990-91 annual report. With those procedures now in place, however, the Board has been able to advance the presentation date for its 1991-92 year-end report, with the result that we have been able to combine the report of both of those years into the present single edition.

What that combined report shows, particularly in Tables 7/7A and 11, is a reflection of the steps this Board has been taking over the past two to three years to better meet its service obligations to the community. No Labour Board fulfills its proper mandate without continuing concern for the time-sensitivity of the workplace issues, and especially those of a "representational" nature, that it is entrusted with. With a significant increase in caseload and no similar increase in staff, the Board nonetheless has been able to reduce both its processing and overall case-disposition times substantially. Certainly the computer has assisted us in that regard, but close attention to file movement and the monitoring of weekly performance has allowed us to take full advantage of the many new tools the computer has to offer. And beyond those administrative initiatives, a greater emphasis on the informality and speed of the field-staff



"Waiver" program has allowed the Board to move progressively away from the direction of litigation, and cut both disposition time and expense for the parties in the all-important area of certification applications.

Where the lack of growth in resources has had an impact, of course, is in the Board's ability to provide dates for its increasing hearing load (which includes the length of cases currently as well as the number) in an adequate and timely fashion. A good deal of thought has been given to changes in the Board's overall manner of scheduling, but any of the options heretofore being explored carry with them some significant difficulties of their own - particularly for the parties who have to appear before the Board. As at least an interim step, the Board, in consultation with the community, has embarked on a course of greater involvement in case-management and the pre-hearing preparation of cases for "trial", so that better use can be made of the days of hearing that do come to be scheduled by the Board. It is my firm belief that these new forms of "early intervention" being developed by the Board will quickly bear fruit for the future.

That future, however, I leave to others, as the mantle passes. I have enjoyed my time at the Board, and the challenges that this venerable institution, so dynamic and so significant to the community, offers to the taker.

I wish everyone well.

A handwritten signature in dark ink, reading "Mort Mitchnick". The signature is written in a cursive, flowing style with a large, prominent "M" and "M" at the end.

Mort Mitchnick

## I INTRODUCTION

This is the twelfth issue of the Ontario Labour Relations Board's Annual Report, which commenced publication in the fiscal year 1980-81. This issue covers the fiscal years April 1, 1990 to March 31, 1991 and April 1, 1991 to March 31, 1992.

The report contains up-to-date information on the organizational structure and administrative developments of interest to the public and notes changes in personnel of the Board. As in previous years, this issue provides a statistical summary and analysis of the work-load carried by the Board during the fiscal years under review. Detailed statistical tables are provided on several aspects of the Board's functions.

The Report continues to provide a legislative history of the Labour Relations Act and notes any amendments to the Act that were passed during the fiscal years under review.

## II A HISTORY OF THE ACT

In 1943, the Ontario Legislature engaged in one of the first attempts in Canada to institute an effective scheme of compulsory collective bargaining. The Collective Bargaining Act, 1943, S.O. 1943, c. 4 came about as a result of a public hearing before a select committee of the Provincial Legislative Assembly. Although the establishment of a "Labour Court" was not strenuously lobbied for by any of the interest groups which made submissions to the Select Committee, it was this option which the Select Committee saw fit to endorse. The Committee's report, in the form of a draft bill, was submitted to the Legislature on March 25th, 1943, and when enacted on April 14th, 1943, legitimized collective bargaining in Ontario under the Ontario Labour Court, which was a division of the Supreme Court of Ontario.

The Act of 1943 abolished the common law doctrines of conspiracy and restraint of trade as they had applied to trade unions, and gave employees a right to participate in union activity. A union was permitted to apply for certification as the bargaining agent for a group of employees. The Court had power to ascertain the appropriate unit for the purpose of collective bargaining. It has been pointed out that:

...the shape and structure of the collective-bargaining system was to be determined by a court which was expected to develop policies that would promote orderly collective bargaining. It was recognized that the scheme of the Act involved both administrative and "judicial" functions. The Court was also empowered to delegate its non-judicial responsibilities so that it could develop an administrative infra-structure to support its "judicial" role. (MacDowell, R.O., "Law and Practice before the Ontario Labour Relations Board" (1978), 1 Advocate's Quarterly 198 at 200.)

The Act contained several features which are standard in labour relations legislation today - management dominated organizations could not be certified; managerial employees were excluded from the Act; employers could not discriminate against employees for participation in union activity; employers were required to recognize a certified bargaining agent; and there was a duty to bargain in good faith. The Labour Court had broad remedial powers - something which the Ontario Labour Relations Board would not have for many years. The Labour Court was the only forum for resolution of disputes arising under a collective agreement. This function was to be performed without cost to the parties. It is now performed by private boards of arbitration or sole

arbitrators and, when disputes arise in the construction industry, by the Labour Relations Board.

The Ontario Labour Court was to have a short lifespan (it opened in June 1943, and heard its last case in April, 1944). In his book, The Ontario Labour Court 1943-44, (Queen's University Industrial Relations Centre, Kingston, 1979), John A. Willes gives the following reasons for the Court's early demise:

...the trade unions were complaining about the high cost of proceedings before the Court, the Judges were not eager to deal with labour matters under the Act, and most important, the Conservative party, that had promised to repeal the legislation if elected, formed the government in Ontario in the Spring of 1944.

The immediate circumstances which brought about the demise of the Labour Court (and hence the formation of a Board) was a wartime move by the Federal Government to centralize labour relations law. Owing to the division of powers between the Dominion and Provincial Governments, control over labour relations in Canada is shared between the two levels of government depending on whether the undertaking falls under Federal or Provincial jurisdiction. In 1907, the Federal Government attempted to bring labour disputes in public utilities and coal mines under Federal control by means of The Industrial Disputes Investigation Act. Disputes in other industries were often brought voluntarily within the provisions of the Act. In 1925 this Act was held by the Privy Council to be ultra vires the Dominion Parliament because it infringed on the Provincial power over "property and civil rights." (Toronto Electric Commissioners v. Snider, [1925] A.C. 396; [1925] 2 D.L.R. 5).

The Act was subsequently amended so as to encompass only those industries within federal jurisdiction. This left labour relations largely in the hands of the provincial legislatures, although by virtue of a clause in the federal Act, provinces could, in effect, "opt in" to the federal system (all the provinces except Prince Edward Island exercised this option for a time). However, given the constitutional situation in Canada, decentralization of labour policy was inevitable and the Ontario regime was representative of this decentralization. However, the fact that Canada was at war allowed the Federal Government to rely on its emergency power to pass Order in Council P.C. 1003. This Order adopted the general principles of the American Wagner Act, and called for an independent regulatory authority. The Ontario Labour Court was replaced by the Ontario Labour Relations Board, pursuant to The Labour Relations Board Act, 1944, S.O. 1944, c. 29, which was



subject to the Federal Wartime Labour Relations Board. The Chairman of the fledgling Ontario Board was Jacob Finkleman, who had been the registrar of the Labour Court.

In 1947, the Ontario Labour Relations Board became independent of the Federal Government by virtue of The Labour Relations Board Act, 1947, S.O. 1947, c. 54. The next year, The Labour Relations Act, 1948, S.O. 1948, c. 51, was passed. The 1948 Act, which was enacted in anticipation of new federal legislation, repealed the earlier Labour Relations Board Acts and empowered the Lieutenant-Governor in Council to make regulations "in the same form and to the same effect as that ... Act which may be passed by the Parliament of Canada at the session currently in progress ..." This Act was basically transitional in nature, since work was already under way on the drafting of separate provincial legislation, which made its first appearance in The Labour Relations Act, 1950, S.O. 1950, c. 34.

The major function of the Board was, and still remains, certifying trade unions as bargaining agents. The history of the Board is largely a history of the acquisition of new powers and functions, as new ways of dealing with the problems inherent in industrial relations developed. Initially, however, the Board's role was fairly limited. There was no enforcement mechanism at the Board's disposal in 1950. The major enforcement method was prosecution, in which case the Board had to grant consent to prosecute. The Board had the power to declare a strike or lock-out unlawful, but this in itself fell short of being a very complete remedy. In a situation where an individual had been refused employment, discharged, discriminated against, threatened, coerced, or otherwise dealt with contrary to the Act, the appropriate remedy lay in an inquiry by a conciliation officer who then reported to the Minister who in turn could make an appropriate order.

Thus, outside of granting certifications and decertifications, the Board's power was quite limited. The power to make certain declarations, determinations, or to grant consent to prosecute under the Act was remedial only in a limited way. Of some significance during the fifties was the Board's acquisition of the power to grant a trade union "successor" status. (The Labour Relations Amendment Act, 1956, S.O. 1956, c. 35). In 1962, the complementary section providing for the preservation of bargaining rights in the case of "successor employers" was passed and was later expanded so as to preserve existing collective agreements. (The Labour Relations Amendment Act, 1961-62, S.O. 1961-62, c. 48; The Labour Relations Amendment Act, 1970, S.O. 1970, c. 85.)

The Labour Relations Amendment Act, 1960, S.O. 1960, c. 54, made a number of changes in the Board's role. Most

importantly, the Board received the authority to order reinstatement with or without compensation. In conjunction with this new power was the power to designate a field officer to investigate complaints. The Board's reinstatement and compensation orders could be filed in the Supreme Court of Ontario and were enforceable as orders of that Court. The Board also received the power to refer jurisdictional disputes to a new jurisdictional disputes commission which had the power to make interim orders or directions. The Board was given limited power to review the directions. As with the Board's reinstatement and compensation orders, the interim orders could be filed with the Supreme Court and thus become enforceable as orders of that Court. The Board also received the power to set a terminal date for the filing of membership evidence and evidence opposing certification, and the discretion to refuse to "carve out" a craft unit where there was a history of industrial organization in a plant. In 1960 provision was also made for pre-hearing representation votes.

In 1962, The Labour Relations Amendment Act, 1961-62, added new provisions to the Act in order to respond to unique problems which were evident in the construction industry. This industry was given a separate but somewhat similar regime under the Act in response to recommendations made in the "Goldenberg Report" (Report of The Royal Commission on Labour Management Relations in the Construction Industry, March, 1962). Provision was made for determination of bargaining units by reference to geographic areas rather than particular projects. The Board, in consultation with interested parties, divided the Province geographically for the purpose of certification in the construction industry. Labour policy with regard to the construction industry has continued to evolve. Legislation was introduced in 1977 to provide for province-wide bargaining in the industrial, commercial, and institutional sector of that industry in response to the recommendations contained in the "Franks Report" (Report of the Industrial Inquiry Commission into Bargaining Patterns in the Construction Industry of Ontario, May, 1976) (The Labour Relations Amendment Act, 1977, S.O. 1977, c. 31). Further amendments were made to the Act in relation to the construction industry in 1979 and 1980. The Labour Relations Amendment Act, 1979 (No. 2), S.O. 1979, c. 113, and The Labour Relations Amendment Act, 1980, S.O. 1980, c. 31, extended the bargaining rights held by trade unions in the construction industry for any particular employer in relation to the industrial, commercial and institutional sector of the industry; prohibited selective strikes and lock-outs; and provided for an expeditious ratification procedure.

In 1970, by virtue of The Labour Relations Amendment Act, 1970, the Board received a significant extension to its remedial authority. Provision was made for authorization of



a Labour Relations Officer to inquire into certain complaints with a view to settling the matters. The most interesting addition to the situations in which the Board could make remedial orders was in the case of a breach of the newly created "duty of fair representation". This duty, imposed on trade unions, required them not to act in a manner which was arbitrary, discriminatory, or in bad faith in their representation of employees for whom they hold bargaining rights. More recently, this duty has been extended to cover referral of persons to work. The Board also received the power to make "cease and desist" orders with respect to unlawful strikes and lock-outs in the construction industry, which would be filed with the Supreme Court and be enforceable as orders of the Court.

A major increase in the Board's remedial powers under the Labour Relations Act occurred in 1975. (The Labour Relations Amendment Act, 1975, S.O. 1975, c. 76). The Board was permitted to authorize a Labour Relations Officer to inquire into any complaint alleging a violation of the Labour Relations Act. A settlement reached by the parties and put into writing was binding on the parties, and a breach of such settlement could be dealt with in the same fashion as a breach of a provision of the Act. The Board's remedial powers were extended to all violations of the Act, and orders of the Board were enforceable in the same way that an order of the Supreme Court is enforceable. The Board also received authority to make "cease and desist" orders with respect to any unlawful strike or lock-out. It was in 1975 as well, that the Board's jurisdiction was enlarged to enable it to determine grievances in the construction industry referred to it by one of the parties to a collective agreement.

In June of 1980, the Labour Relations Amendment Act, 1980 (No. 2), S.O. 1980, c. 34, was passed providing for compulsory check-off of union dues and the entitlement of all employees in a bargaining unit to participate in ratification and strike votes. Provision was also made for the Minister of Labour to direct a vote of the employees in a bargaining unit on their employer's final offer at the request of their employer. In June of 1983, the Labour Relations Amendment Act, 1983, S.O. 1983, c. 42, became law. It introduced into the Act section 71a, which prohibits strike related misconduct and the engaging of or acting as, a professional strike-breaker. To date the Board has not been called upon to interpret or apply section 71a.

In June of 1984, the Labour Relations Act, 1984, S.O. 1984, c. 34 was enacted. This Act dealt with several areas. It gave the Board explicit jurisdiction to deal with illegal picketing or threats of illegal picketing and permits a party affected by illegal picketing to seek relief through the expedited procedures in sections 92 and 135, rather than the more cumbersome process under section 89. The Act also

permitted the Board to respond in an expedited fashion to illegal agreements or arrangements which affect the industrial, commercial and institutional sector of the construction industry. It further established an appropriate voting constituency for strike, lock-out and ratification votes in that sector and provided a procedure for complaints relating to voter eligibility to be filed with the Minister of Labour. The new amendment also eliminated the 14 day waiting period before an arbitration award which is not complied with may be filed in court for purposes of enforcement.

In May of 1986, the Labour Relations Amendment Act, 1986, S.O. 1986, c. 17 was passed to provide for first contract arbitration. Where negotiations have been unsuccessful, either party can apply to the Board to direct the settlement of a first collective agreement by arbitration. Within strict time limits the Board must determine whether the process of collective bargaining has been unsuccessful due to a number of enumerated grounds. Where a direction has been given, the parties have the option of having the Board arbitrate the settlement.

In December 1986, the Equality Rights Statute Law Amendment Act, 1986 amended, amongst other statutes, the Labour Relations Act to bring it into line with the Human Rights Code, 1981 and the Canadian Charter of Rights and Freedoms. The provisions prohibiting the Board from certifying a trade union which discriminates and deeming an agreement not to be a collective agreement if it discriminates were amended. They now include any ground of discrimination prohibited by these two statutes.

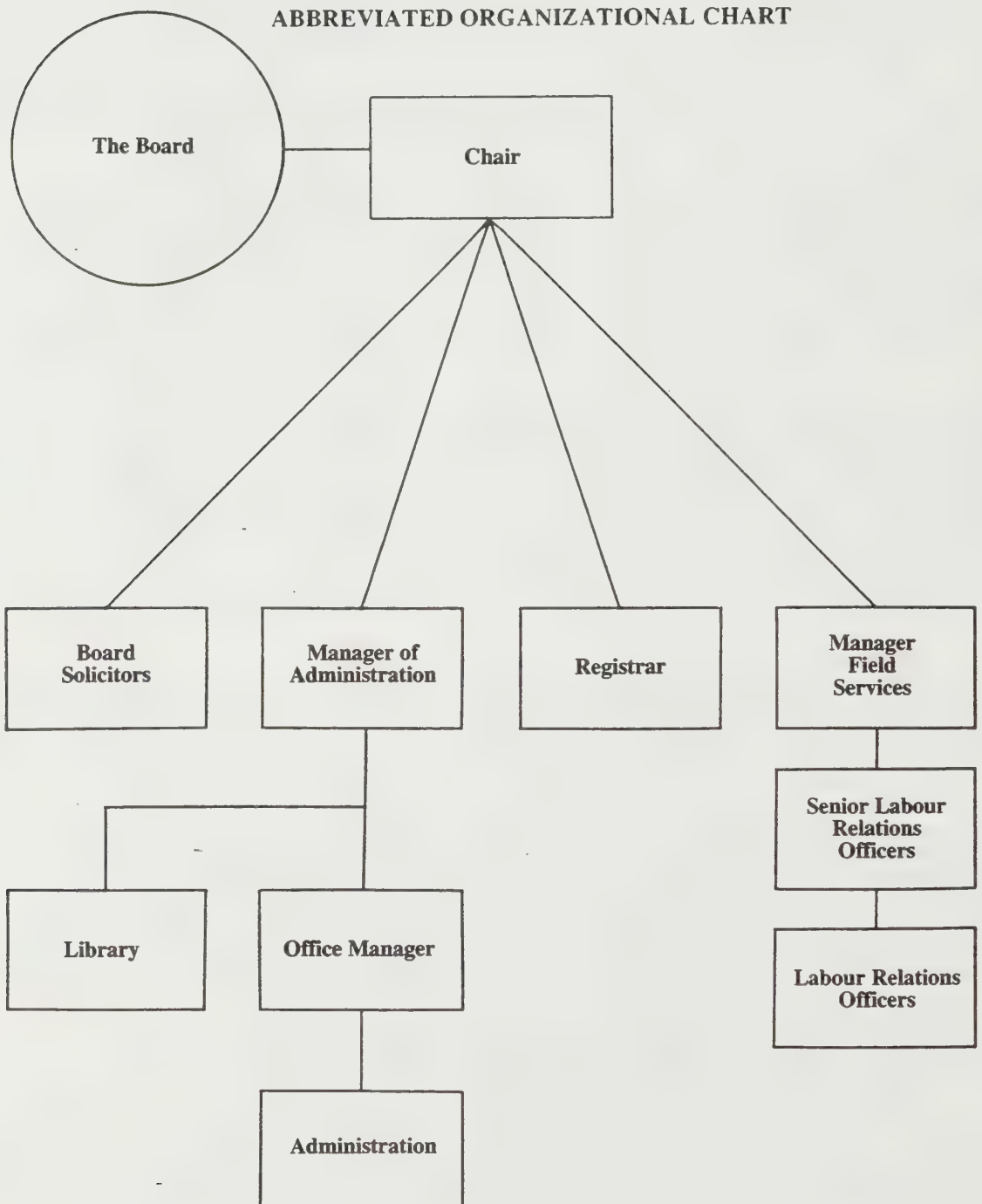
On March 31, 1990, the fines under the Labour Relations Act were increased by the Provincial Penalties Adjustment Act, 1989, S.O. 1989, c.72, s.48. For a breach of the Act, fines for any individual were doubled to \$2,000 and those for a corporation or trade union were increased to \$25,000.

In December 1991, the Labour Relations Amendment Act, 1991 was enacted. It amended the provisions of the Act concerning the Industrial, Commercial and Institutional Sector of the construction industry by increasing the terms of province-wide agreements from two to three years, by prohibiting the counting of ballots (in province-wide agreement ratification votes) until all voting in the province is completed, and by providing for the establishment of a corporation to facilitate collective bargaining and otherwise assist the sector.



### III BOARD ORGANIZATION

The following is an abbreviated organizational chart of the Ontario Labour Relations Board.



#### IV THE BOARD

The legislative policy regarding labour relations in the province of Ontario is set out in the preamble to the Labour Relations Act, R.S.O. 1990, c.L.2, as follows:

... it is in the public interest of the Province of Ontario to further harmonious relations between employers and employees by encouraging the practice and procedure of collective bargaining between employers and trade unions as the freely designated representatives of employees.

With this policy as a basis, the Act confers on the Ontario Labour Relations Board the authority over many important aspects of collective bargaining such as certification of trade unions, unfair labour practices, first contract arbitration, unlawful strikes and lock-outs, jurisdictional disputes, and arbitration of grievances in the construction industry. In order to carry out this mandate the Board is composed of a Chair and an Alternate Chair, several Vice-Chairs and a number of Members representative of labour and management respectively in equal numbers. At the end of fiscal year 1991-92 the Board consisted of the Chair, Alternate Chair, 14 full-time Vice-Chairs, 6 part-time Vice-Chairs and 34 Board Members, 19 full-time and 15 part-time. These appointments were made by the Lieutenant-Governor in Council.

Created by statute, the Ontario Labour Relations Board is best described as a quasi-judicial body, combining as it does, administrative and judicial functions. The Board attempts to avoid being overly technical or legalistic in making its determinations and relies heavily on the efforts of its Labour Relations Officers in encouraging settlements without the need for formal hearings. The Board strives to keep its procedures informal, expeditious and fair.

The Board, under section 108(1) of the Act, has the exclusive jurisdiction to exercise the powers conferred upon it by or under the Act and to determine all questions of fact or law that arise during any hearing before it. The Board's decisions are not subject to appeal and a privative clause in the statute limits the scope for judicial review. However, the Board has the power to reconsider any of its decisions, either on its own initiative or at the request of an affected party.

The Board has the power to determine its own practices and procedures. The publication entitled Rules of Procedure, Regulations and Practice Notes (Queen's Printer, Ontario) contains the established regulations, procedures and practices of the Board. New Practice Notes are published by the Board in its Monthly Report.

The Ontario Labour Relations Board has a somewhat limited role to play with respect to much of the collective bargaining viewed as falling within the public sector. For example, the Board does not have jurisdiction over crown employees, police officers or full-time fire fighters, and has only a limited jurisdiction with respect to teachers in schools and community colleges in the province. See the School Boards and Teachers Collective Negotiations Act, R.S.O. 1990, c. S.2 and the Colleges Collective Bargaining Act, R.S.O. 1990, c. C.15. On the other hand, the Board has full jurisdiction over employees employed by municipalities. A distinct piece of legislation, the Hospital Labour Disputes Arbitration Act, stipulates special laws that govern labour relations of hospital employees, particularly with respect to the resolution of collective bargaining disputes and the Successor Rights (Crown Transfers) Act, R.S.O. 1990, c. S.27 provides for application to the Board where there is a transfer of an undertaking from the crown to an employer and vice versa. The Board is also given an important role under the Occupational Health and Safety Act, R.S.O. 1990, c. O.7. A similar jurisdiction is conferred on the Board by section 174b of the Environmental Protection Act, R.S.O. 1990, c. E.19 and by section 8 of the Smoking in the Workplace Act, R.S.O. 1990, c. S.13. From time to time the Board is called upon to determine the impact of the Canadian Charter of Rights and Freedoms on the rights of parties under the Labour Relations Act.

Apart from its adjudicative function, the Board's operations may be broadly divided into the following areas: (a) Administrative Division, (b) Field Services and (c) Legal Services.

#### **(a) ADMINISTRATIVE DIVISION**

##### Administrative Committee

An Administrative Committee comprised of the Chair, Alternate Chair, Registrar, Deputy Registrar, Manager of Administration, Manager of Field Services and Solicitors meets regularly to discuss all aspects of Board administration and management.

##### Registrar's Section

The Registrar is the chief administrative officer of the Board responsible for the overall maintenance of the Board's day-to-day operations. Her staff includes a Deputy Registrar, two assistants and three administrative secretaries.

The Registrar, through the Deputy Registrar and the Manager of Operations, supervises the Board's processing sections which process applications filed with the Board in accordance with the Board's Rules of Procedure. Every application received by the Board enters the system through the Registrar's office. She determines the hearing dates, assures the effective and speedy processing of each case and communicates with the parties in all matters relating to the scheduling of hearings or on particular problems in the processing of any given case.

#### Manager of Administration

The Manager of Administration is responsible for the co-ordination and efficient operation of the Board through the management of the budget, human resources functions, library and the provision of administrative direction and common services.

#### Library Services

The Ontario Labour Relations Board Library employs a staff of 3, including a full-time manager. The Library staff provides research services for the Board and assists other library users. The Board Library maintains a collection of approximately 1200 texts, 65 journals and 40 case reports in the areas of industrial relations, labour, contract, evidence, constitutional and administrative law. The library has approximately 5,000 volumes. The collection includes decisions from other jurisdictions, such as the Canada Labour Relations Board, the U.S. National Labor Relations Board and provincial labour boards across Canada as well as the OLRB Reports from 1944 to date.

The library staff is responsible for continually updating a full-text on-line database of the Board's decisions, which is offered to the public by QL Systems Ltd. It provides access by subject, party names, file number, statutes considered, cases cited, date, etc. It permits Board members and staff prompt and accurate access to previous Board decisions dealing with particular issues under consideration.

The Library staff has also compiled a manual index to the Bargaining Units certified by the Board since 1980. This index provides access by union name and subject. Other resources include a series of bibliographies on various topics in the field of labour relations, a file of judicial reviews of Board decisions and a vertical file of information on such subjects as the history of the Ontario Labour Relations Act, the Board and its members.



**(b) FIELD SERVICES**

In view of the Board's continuing belief that the interests of parties appearing before it, and labour relations in the province generally, are best served by the settlement of disputes by the parties without the need for a formal hearing and adjudication, the Board attempts to make maximum use of its Labour Relations Officers' efforts in this area. Responsibility for the division lies with the Manager of Field Services. In promoting overall efficiency, the Manager puts emphasis upon the setting and monitoring of performance standards, case assignments, staff development and maintaining liaison with the Board. He is assisted by three Senior Labour Relations Officers, each of whom is assigned a team of officers. In addition to undertaking their share of the caseload in the field, the Senior Labour Relations Officers are responsible for providing guidance and advice in the handling of particular cases, managing the settlement process on certification days on a rotating basis, and assisting with the performance appraisals of the officers. In addition to the Labour Relations Officers, the Board employs two Returning/Waiver Officers. They conduct representation votes directed by the Board, as well as last offer votes directed by the Minister of Labour (see s. 40 of the Act). They also carry out the Board's programme for waiver of hearings in certification applications. The Board's field staff continued its excellent record of performance throughout the fiscal year under review. In relation to complaints under the Labour Relations Act and the Occupational Health and Safety Act, the Officers handled a total caseload of 1164 assignments in 1990-91, of which 89 percent were settled by the efforts of the officers. The Officers handled a total of 1309 grievances in the construction industry in 1990-91 of which 92.8 percent were settled. Of 403 certification applications dealt with under the waiver of hearings programme in 1990-91, the Officers were successful in 292 or 72.5 percent. In 1991-92, the Officers handled a total caseload of 1223 assignments in relations to complaints under the Labour Relations Act and the Occupational Health and Safety Act, of which 88 percent were settled by the efforts of the Officers. The Officers handled a total of 1730 grievances in the construction industry in 1991-92 of which 91.1 percent were settled. Of 731 certification applications dealt with under the waiver of hearings programme in 1991-92, the Officers were successful in 539 or 73.7 percent.

The Chair of the Board, along with the Manager of Field Services and the Board Solicitors, meet with the Officers on a monthly basis to deal with administrative matters and review Board jurisprudence affecting Officers' activity and

other policy and legal developments relevant to the Officers' work.

### (c) LEGAL SERVICES

Legal services to the Board are provided by the Solicitors' Office. The office consists of three Board solicitors, who report directly to the Chair. The Board also employs two articling students to assist the solicitors in carrying out the functions of the Solicitors' Office. The Solicitors' Office is responsible for providing the legal assistance required by the Board in all facets of its operations. The solicitors engage in legal research and provide legal advice to the Chair, Vice-Chairs and Board Members in their day-to-day functions. They provide legal opinions to the Board and prepare memoranda relating to the wide variety of legal issues that arise during Board proceedings. The Solicitors' Office is responsible for preparing all of the Board's legal forms and other legal documents required for use by the Board. Board procedures, practices and policies are constantly reviewed by the solicitors. When preparation or revision of Practice Notes, Board Rules or forms becomes necessary, the solicitors are responsible for undertaking those tasks.

The solicitors are active in the staff development programme of the Board and meet regularly with the Board's field staff to keep them advised of legislative, Board and judicial developments that may affect their day-to-day work. The solicitors are available for consultation by these officers on legal issues that may arise in the course of their work. At regularly scheduled field staff meetings, a solicitor prepares written material for distribution and discussion among the field staff relating to recent decisions of the Board or other tribunals which may affect the discharge of their duties. The solicitors also advise the Board Librarian on the legal research material requirements of the Board and on the library's general acquisition policy.

Another function of the Solicitors' Office is the representation of the Board's interests in court, when matters involving Board proceedings or Board orders become the subject of proceedings in court, as when an application for judicial review of a Board order is filed or an application is made by way of stated case to the Divisional Court. Where outside counsel is retained to represent the Board, a solicitor, in consultation with the Chair, briefs and instructs such counsel on the Board's position in relation to the issues raised by the judicial proceedings. The Solicitors' Office is also responsible for the preparation and compilation of documents that the Board may be required to file with the court in relation to such proceedings.

The Solicitors' Office is responsible for all of the Board's publications. One of the Board's solicitors is the Editor of the Ontario Labour Relations Board Reports, a monthly series of selected Board decisions which commenced publication in 1944. This series is one of the oldest labour board reports in North America. In addition to reporting Board decisions, each issue of the Reports contains a section listing all of the matters disposed of by the Board in the month in question, including the bargaining unit descriptions, results of representation votes and the manner of disposition.

The Solicitors' Office also issues a publication entitled "Monthly Highlights". This publication, which commenced in 1982, contains scope notes of significant decisions of the Board issued during the month and other notices and administrative developments of interest to the labour relations community. This publication is sent free of charge to all subscribers to the Ontario Labour Relations Board Reports. The Solicitors' Office is also responsible for periodically revising the publication entitled "A Guide to the Labour Relations Act", which is an explanation in layperson's terms, of the significant provisions of the Act. The latest revision took place in June 1986, to reflect the amendments to the Act.

#### MEMBERS OF THE BOARD

At the end of the fiscal year 1991-92, the Board consisted of the following members:

MORTON G. MITCHNICK, B.A., LL.B. Chair

On March 20, 1989, Mr. Mitchnick assumed the chairmanship of the Ontario Labour Relations Board. A native of Hamilton, Ontario, he is a graduate of McMaster University, and received his LL.B. at the University of Toronto. Mr. Mitchnick spent eight years in labour relations practice with the Toronto law firm of Miller, Thomson, Sedgewick, Lewis & Healy, prior to joining the Ontario Labour Relations Board as a Vice-Chair, where he served from 1979 to 1986. More recently he has enjoyed a varied "neutral" practice as a private arbitrator and mediator, as well as an adjudicator under the Employment Standards Act, the Ontario Human Rights Code and the Canada Labour Code. From 1986 to 1989 he served on a part-time basis as the Alternate Chair of the Ontario Public Service Labour Relations Tribunal, and from 1987 to 1989 as a Vice-Chair of the Ontario Public Service Grievance Settlement Board as well.



Mr. Mitchnick's recent publications include a comparative labour law text on Canada's Charter of Rights entitled "Union Security and the Charter", together with a synopsis of "Practice and Procedure before the Ontario Labour Relations Board", appearing in the August 1985 issue of "Advocates' Quarterly". He has conducted a wide range of seminars on both the Labour Relations Act and the practice of arbitration, and is a lecturer for the University of Toronto's Continuing Education Branch on the subject of employment and labour law.

RICHARD (RICK) MacDOWELL Alternate Chair

Mr. MacDowell's educational background includes a B.A. (Honours) in Economics from the University of Toronto (1969), an M.Sc. (with Distinction) in Economics from the London School of Economics and Political Science (1970) and an LL.B. from the University of Toronto Law School (1974). He has been associated with the University of Toronto as a lecturer in industrial relations with the Department of Political Economy since 1971 and with the Graduate School of Business since 1976. A former Senior Solicitor of the Board, Mr. MacDowell was appointed to his present position of Vice-Chair in 1979. He is an experienced arbitrator and has served as a fact-finder in school board-teacher negotiations. Mr. MacDowell also has several publications relating to labour relations to his credit. During May-August, 1984, Mr. MacDowell served as the Board's Alternate Chair in an acting capacity.

MICHAEL BENDEL Vice-Chair

Mr. Bendel joined the Board as a part-time Vice-Chair in September 1987. He is a graduate of the University of Manchester, England (LL.B., 1966) and the University of Ottawa (LL.B., 1975). Mr. Bendel was a legal officer with the International Labour Office, Geneva, Switzerland, from 1966 to 1969. From 1969 to 1974, he was employed by the Professional Institute of the Public Service of Canada (Ottawa) in various capacities, including in-house counsel and negotiator. Following his call to the Bar of Ontario in 1977, he was appointed professor in the Common Law Section, Faculty of Law, University of Ottawa, where he taught various labour law and other law courses, at the undergraduate and graduate levels, until 1984. In 1984, Mr. Bendel was appointed Deputy Chairman of the Public Service Staff Relations Board (Ottawa), where he was responsible for the interest arbitration function under the Public Service Staff Relations Act and where he also acted as grievance arbitrator. Upon resigning from that Board in August 1987, he entered private practice as a labour arbitrator. In addition to his arbitration practice and his part-time



Vice-Chair position, Mr. Bendel is currently a part-time member of the Public Service Staff Relations Board. He is the author of several articles on labour law subjects in law journals.

JULES BLOCH Vice-Chair

Mr. Bloch's educational background includes a B.A. (Honours) in Political Economy from the University of Toronto (1980) and an LL.B. from the University of Windsor Law School (1984). Mr. Bloch is bilingual and practiced law in the specialized field of Labour Relations both in Ottawa and Toronto. Between 1986 and 1990, Mr. Bloch was counsel for the Labourers International Union of North America. He has been a sessional lecturer in Labour Law at both the community college and the university level. Prior to being appointed Vice-Chair of the Ontario Labour Relations Board in 1991, Mr. Bloch served as Vice-Chair of the Criminal Injuries Compensation Board. As well, he has been appointed to arbitration panels as a "neutral" and has been a contributing editor of the National Labour Review and has written numerous articles on Labour Relations.

LOUISA M. DAVIE Vice-Chair

Ms. Davie was appointed a Vice-Chair of the Board in April 1988. She is a graduate of Wilfrid Laurier University, Waterloo, (B.A. 1977) and the University of Western Ontario (LL.B. 1980). After her call to the Ontario Bar in 1982, Ms. Davie was a law clerk to the Chief Justice of the High Court of Justice. After her tenure as law clerk she practised labour and employment law with a Toronto law firm until her appointment to the Board. Ms. Davie has also lectured in the Masters of Business Administration Program, McMaster University, Hamilton, and also acts as an arbitrator.

NIMAL V. DISSANAYAKE Vice-Chair

A former Senior Solicitor of the Board, Mr. Dissanayake was appointed a part-time Vice-Chair of the Board in July, 1987. He holds the degrees of LL.B. and LL.M. from Queen's University, Kingston. After serving his period of law articles with the Board, Mr. Dissanayake was called to the Ontario Bar in 1980. Prior to joining the Board as a solicitor he taught at the Faculty of Business, McMaster University, Hamilton, as Assistant Professor of Industrial Relations between 1978 and 1980. Since December 1987, he has served as a Vice-Chair of the Grievance Settlement Board and is also engaged in adjudication as a private arbitrator and referee under the Employment Standards Act.

OWEN V. GRAY Vice-Chair

Mr. Gray joined the Board as a Vice-Chair in October, 1983.

He is a graduate of Queen's University, Kingston (B.Sc. Hons., 1971) and the University of Toronto (LL.B. 1974). After his call to the Ontario Bar in 1976, Mr. Gray practised law with a Toronto law firm until his appointment to the Board. He is also an experienced arbitrator.

BRAM HERLICH Vice-Chair

Mr. Herlich was appointed to the Board as a Vice-Chair in October 1989. He is a graduate of McGill University (B.A., 1972; M.A., 1977) and Osgoode Hall Law School (LL.B., 1982). Prior to joining the Board he practised labour law with a Toronto firm and also acted as in-house counsel.

ROBERT J. HERMAN Vice-Chair

Mr. Herman was appointed a Vice-Chair of the Board in November, 1985, and was at that time a Solicitor for the Board. He is a graduate of the University of Toronto (B.Sc. 1972, LL.B. 1976) and received his LL.M. from Harvard University in 1984. Mr. Herman has taught courses in various areas of law, both at Ryerson Polytechnical Institute and the Faculty of Law, University of Toronto, and also acts as an arbitrator.

ROBERT D. HOWE Vice-Chair

Mr. Howe was appointed to the Board as a part-time Vice-Chair in February, 1980 and became a full-time Vice-Chair effective June 1, 1981. He graduated with a LL.B. (gold medallist) from the Faculty of Law, University of Windsor in 1972 and was called to the Bar in 1974. From 1972 to 1977 he was a law professor of the Faculty of Law, University of Windsor. From 1977 until his appointment to the Board, he practised law as an associate of a Windsor law firm while continuing to teach on a part-time basis at the Faculty of Law as a special lecturer in labour law and labour arbitration. Mr. Howe is an experienced arbitrator, referee, fact-finder and mediator. During May-August, 1984, Mr. Howe served as Chair of the Board in an acting capacity.

JANICE JOHNSTON Vice-Chair

Ms. Johnston joined the Labour Relations Board as a Vice-Chair in September, 1990. She did her undergraduate work at Wilfrid Laurier University and graduated with an LL.B. from the University of Western Ontario Law School in 1979. After her call to the Bar in 1981 Ms. Johnston practised labour law as in-house counsel. Ms. Johnston comes to the Board with extensive experience in public sector labour relations.

BRIAN KELLER Vice-Chair

Mr. Keller joined the Board as a part-time Vice-Chair in September, 1988. He is a graduate of Sir George Williams University (B.A., 1968) and the University of Ottawa (L.L. 1971). From 1983 until August 1988 he was a Vice-Chairman of the Canada Labour Relations Board. Mr. Keller currently acts as a private arbitrator and mediator.

PAULA KNOFF Vice-Chair

Ms. Knopf joined the Board as a part-time Vice-Chair in August, 1984. She graduated with a B.A. from the University of Toronto, 1972, and LL.B. from Osgoode Hall Law School, 1975. Upon her call to the Ontario Bar in 1977, she practised law with a Toronto law firm briefly before commencing her own private practice with emphasis in the area of labour relations. A former member of the faculty of Osgoode Hall Law School, Ms. Knopf is an experienced fact-finder, mediator and arbitrator.

SHERRY LIANG Vice-Chair

Ms. Liang joined the Board as a Vice-Chair in September of 1991. She studied Political Science at Queen's University, Kingston (B.A. 1981) and is also a graduate of University of Toronto (LL.B. 1985). After her call to the Ontario Bar in 1987, Ms. Liang was a law clerk to the Chief Justice of the High Court of Justice in Ontario, after which she spent several years practicing labour and employment law and civil litigation with a Toronto firm until her appointment to the Board.

JUDITH McCORMACK Vice-Chair

Ms. McCormack was appointed to the Board as a Vice-Chair in 1986. She did her undergraduate work at Simon Fraser University, and graduated with an LL.B. from Osgoode Hall Law School in 1976. Upon her call to the Bar in 1978, she practised labour law for the next eight years, first with a Toronto law firm and later as an in-house counsel. In 1986 she received her LL.M. in labour law from Osgoode Hall Law School. Ms. McCormack is the author of a number of articles on labour relations and has lectured and arbitrated in this area.

MARILYN NAIRN Vice-Chair

Ms. Nairn was appointed as a Vice-Chair to the Board in July, 1989. She is a graduate of the University of Winnipeg (B.A. Econ., 1977) and the University of Ottawa (LL.B. Cum Laude, 1980). Upon her call to the Board she practised labour law



until joining the Board as Solicitor in 1987. Ms. Nairn also teaches Union-Management Relations at Ryerson Polytechnical Institute and has lectured in labour relations at George Brown College and York University.

KATHLEEN O'NEIL Vice-Chair

Ms. O'Neil, a graduate of the University of Toronto (B.A. 1972) and Osgoode Hall Law School (LL.B., 1977), was a Vice-Chair of the Workers' Compensation Appeals Tribunal prior to her appointment to the Board in January 1988. She has also worked as an arbitrator, has had a private practice in nursing and labour relations law, worked as staff lawyer to nurses' and teachers' associations, served as a member of the Ontario Crown Employees Grievance Settlement Board and chaired the justice committee of the National Action Committee on the Status of Women.

KEN PETRYSHEN Vice-Chair

Mr. Petryshen was appointed a Vice-Chair in June, 1986. He is a graduate of the University of Saskatchewan, Regina (B.A. Hons., 1972) and Queen's University, Kingston (LL.B. 1976). After articling with the Ontario Labour Relations Board and after his call to the Bar in 1978, Mr. Petryshen practised law as a staff lawyer for the Teamsters Joint Council, No. 52. Prior to his appointment as a Vice-Chair, Mr. Petryshen was a Board Solicitor.

NORMAN B. SATTERFIELD Vice-Chair

Mr. Satterfield joined the Labour Relations Board in October, 1975, as a part-time Board Member representing management. In January of 1978 he was appointed a Vice-Chair. Mr. Satterfield holds a B. Comm. degree from the University of British Columbia (1949) and a diploma in Industrial Relations from Queen's University (1954). He was involved in labour relations activities in the brewing, heavy manufacturing and construction industries for over 25 years prior to his appointment as a Vice-Chair.

INGE M. STAMP Vice-Chair

Mrs. Stamp joined the Labour Relations Board in August, 1982 as a full-time Board Member representing management. In September of 1987, she was appointed a Vice-Chair. Mrs. Stamp comes to the Board with many years experience in construction industry labour relations. She also represented the Industrial Contractors Association of Canada during province-wide negotiations as a member of several employer bargaining agencies.



**GEORGE T. SURDYKOWSKI Vice-Chair**

Mr. Surdykowski joined the Board as a Vice-Chair in June, 1986. He is a graduate of the University of Waterloo (B.E.S., 1974) and Osgoode Hall Law School (LL.B. 1980). After his call to the Ontario Bar in 1982, Mr. Surdykowski practised law in Toronto until his appointment to the Board.

**SUSAN TACON Vice-Chair**

Susan Tacon was appointed to the Board as a Vice-Chair, in July 1984. Her educational background includes a B.A. degree (1970) in Political Science from York University and LL.B. (1976) and LL.M. (1978) degrees from Osgoode Hall Law School specializing in the labour relations area. Ms. Tacon taught a seminar in collective bargaining and grievance arbitration at Osgoode Hall Law School for several years and also lectured there in legal research and writing. She has several publications to her credit including a book and articles in law journals and is an experienced arbitrator.

**Members Representative of Labour and Management**

**JIM ANDERSON**

Mr. Anderson was appointed a part-time Board Member representing labour in April, 1989. He has been active in the labour movement for many years. He has held various offices in the Canadian Union of Public Employees since 1954, and has been the Union's Ontario Regional Director since 1982. Mr. Anderson has also served as a union nominee on various Boards of Arbitration and as employee representative on Boards of Referees of the Unemployment Insurance Commission.

**BROMLEY L. ARMSTRONG**

A well-known civil rights leader, Mr. Armstrong was appointed a full-time Member of the Board representing labour in February of 1980. He has held various positions in unions, including local union representative, union steward, plant committee representative and financial secretary. Mr. Armstrong has actively participated in the activities of numerous ethnic and cultural associations, as founding member in many of them. He has been an executive member of the Canadian Civil Liberties Association since 1972 and was a member of the Advisory Council on Multiculturalism in Ontario from 1973 to 1975. Mr. Armstrong was appointed a Commissioner of the Ontario Human Rights Commission in 1975, which post he held until his appointment to the Board. Mr. Armstrong was honoured by the Government of Jamaica when he was appointed a Member of the Order of Distinction in the rank of officer, in the 1983 Independence Day Civil Honours

List, and the City of Toronto Award of Merit, March 1984 and the Urban Alliance and Race Relations Award in 1988. In 1990, Mr. Armstrong received the Harry Jerome Award of Excellence for Achievement and the Minister of State for Multiculturalism and Citizenship award for excellence in Race Relations.

CLIVE A. BALLENTINE

A full-time Member of the Board representing labour since 1979, Mr. Ballentine has been a member of the Bricklayers Union (Local 2) since 1947. During that time he has held various offices in Local 2, including President from 1958 to 1959. In 1964 Mr. Ballentine was elected the Business Agent of Local 2, and in 1968 became the Business Representative of the Toronto Building and Construction Trades Council. In 1974 he assumed the post of Manager and Financial Secretary of the Council and held that position until his appointment to the Board. Mr. Ballentine is also a past executive Member of the Labour Council of Metropolitan Toronto and was its Vice-President between 1975 and 1977. He has served on the Ontario Construction Industry Review Panel and the Ontario Premier's Advisory Committee for an Economic Future.

WILLIAM A. CORRELL

A graduate of McMaster University (B.A. 1949), Mr. Correll was appointed in January, 1985, as a part-time Board Member representing management. In January, 1988 he was appointed a full-time member of the Board. He joined the Board with an impressive background in the personnel field. Having held responsible personnel positions at Stelco, Atomic Energy of Canada Limited and DeHavilland Aircraft of Canada Limited for a number of years, Mr. Correll joined Inco Limited in 1971. After serving as that company's Assistant Vice-President and Director of Industrial Relations, in 1977 Mr. Correll became Vice-President of Inco Metals Company. He was later appointed Vice-President, Inco Ltd. and retired in 1985. He has lectured on personnel and management subjects at community college and university level and has conducted seminars for various management groups. He is active as management representative on boards of arbitration and on various management organizations.

KAREN S. DAVIES

Ms. Karen S. Davies was appointed a full-time Board Member representing labour in July, 1988. She has been a member of the Canadian Auto Workers for many years and has held numerous positions within the union. In 1981 she was elected Chairperson of the Technical Office and Professional Employees bargaining unit. She was responsible for matters such as negotiations, grievances, and arbitrations. Ms. Davies was elected President of Local 673 in 1987,

representing technical, office and professional employees of Boeing Canada Ltd., McDonnell Douglas Canada Ltd., Spar Aerospace and Green Shield Prepaid Services. Ms. Davies has also been active in various labour organizations such as the Ontario Federation of Labour and the Labour Community Services of Metropolitan Toronto.

ANDRE ROLAND FOUCAULT

Mr. Foucault was appointed a part-time Board Member representing labour in January, 1986. A member of the Canadian Paperworkers Union since 1967, he has held several elected positions within this Union. In 1976, he was appointed to the position of Programmes Co-ordinator of the Ontario Federation of Labour. In February, 1982, Mr. Foucault joined the staff of the Canadian Paperworkers Union as a National Representative in which capacity he has served since that time.

W. NEIL FRASER

Prior to being appointed a full-time Board Member representing management on January 1, 1988, Mr. Fraser was executive director of the Canadian, Ontario and Metro Toronto Masonry Contractors Associations. He served as employer spokesman in province-wide collective bargaining for the Bricklayer and Mason Tender Agreements. He represented the masonry industry on a number of technical committees for building code and technical standards. He is a past president, Toronto Chapter Institute of Association Executives. He is active in the Scottish Community, serving as Canadian Commissioner of the Clan Fraser Society of North America and on the Executive of the Clans and Scottish Societies of Canada.

PAT V. GRASSO

Appointed a part-time Member of the Board representing labour in December, 1982, Mr. Grasso has been active in the labour movement in Ontario for many years. Having held various offices in District 50 of the United Mine Workers of America, he was appointed Staff Representative in 1958, and Assistant to the Regional Director for Ontario in 1965. In 1969, Mr. Grasso became the Regional Director for Ontario and was elected to the International Executive Board. When District 50 merged with the United Steelworkers of America in 1972, he became Staff Representative of the Steelworkers in charge of organizing in the Toronto area. In January 1982, Mr. Grasso was transferred to the District office and appointed District Representative directing the Union's organizing efforts in Ontario. In June, 1988 he was appointed a full-time Member of the Board.



ALBERT HERSHKOVITZ

Prior to being appointed a part-time Board Member representing labour in September, 1986, Mr. Hershkovitz served as business agent for the Fur, Leather, Shoe and Allied Workers' Union and the Amalgamated Meat Cutters and Butcher Workmen. He has been President of the Ontario Council-Canadian Food and Allied Workers, Vice-President of the Ontario Federation of Labour and Chairman of the Metro Labour Council, Municipal Committee. As well as being Chairman of the Ontario Jewish Labour Committee and Vice-Chairman of the Urban Alliance for Race Relations, Mr. Hershkovitz has served as a member of the Board of Referees of the Unemployment Insurance Commission.

MAXINE A. JONES

A community college teacher of English and Political Science, Ms. Jones was appointed a part-time Board Member representing labour in April, 1987. Ms. Jones holds Bachelor degrees in Journalism and Political Science, a graduate degree in the latter, and has completed all but her dissertation for her doctorate. Her union experience is extensive and includes being the most senior member of the Ontario Public Service Union's Provincial Board. In addition, she has extensive grievance arbitration experience in her home city, Windsor. Also in Windsor, Ms. Jones is a member of a number of community agency boards, including the Windsor Occupational Safety and Health Board, and has served in several City Council appointed positions.

FRANK KELLY

Mr. Kelly was appointed a part-time Board Member representing labour in April, 1989. After completing his labour studies, he joined the International Brotherhood of Boilermakers, of which he has been a member for more than 40 years. Mr. Kelly has been a member of the Union's Executive Board since 1956, and has served as Business Representative for many years.

JOSEPH F. KENNEDY

Mr. Kennedy is the Business Manager of the International Union of Operating Engineers, Local 793, having served as Treasurer before becoming Business Manager. He has been instrumental in establishing a compulsory training program for hoisting engineers in the Province of Ontario. Mr. Kennedy is a Trustee for the Pension and Benefit Plans of Local 793, as well as a Trustee for the General Pension Plan of the International Union of Operating Engineers in Washington, D.C. He is a member of the National Safety Council, Chicago, Illinois, a member of the Construction



Industry Advisory Board for the Province of Ontario, a Director of the Ontario Building Industry Development Board and, since May, 1983, he has been a part-time Member of the Ontario Labour Relations Board representing labour.

HANK KOBRYN

A member of the Iron Workers' Union since 1948, Mr. Kobryn was the President of Local 700 of that Union from 1951 to 1953. Thereafter, for 16 years, Mr. Kobryn held the post of Business Agent of the Iron Workers' Local 700 in Windsor. Among the many other offices Mr. Kobryn has held are: Vice-President of the Provincial Building and Construction Trades Council of Ontario 1958-1962; Secretary Treasurer of the same council, 1962-1980; Member of the Labour-Management Provincial Safety Committee; Member of the Labour-Management Arbitration Commission; Member of the Construction Industry Review Panel; and member of the Advisory Council on Occupational Health and Safety. In December, 1980, Mr. Kobryn was appointed a full-time Board Member representing labour.

JOHN KURCHAK

In February 1989 Mr. Kurchak was appointed a part-time Board Member representing labour. A member of the Sheet Metal Workers' International Association for many years, he held the positions of business agent and business manager for Local 285. Mr. Kurchak also served as a business representative with the Toronto-Central Building and Construction Trades Council. Coupled with his activities in the Solar Energy Society, he was an active member of the Conservation, Energy and Pollution Control Committee of the Ontario Federation of Labour.

JAMES LEAR

Prior to his appointment in October, 1988 as a part-time Board Member, Jim Lear was a Corporate Manager with the George Wimpey Canada Group, responsible for salaried personnel employment practices and benefits, insurances, construction equipment/transport acquisitions and disposals, and all administrative systems and procedures throughout the Canadian divisions and construction projects of the company. He is a past president of the Construction Safety Association of Ontario, and a former member of the Policy Review Board of the Workers' Compensation Board of Ontario.

DONALD A. MACDONALD

Prior to being appointed a full-time Board Member representing management in July, 1986, Mr. MacDonald was active in personnel management at Brown & Root Ltd. from 1957 to 1968 and at Lummus Canada from 1968-1981. From 1981 until

his appointment at the Board, Mr. MacDonald was President of the Boilermaker Contractors' Association where he was responsible for negotiations, contract administration and liaison with other trade associations. Other activities include Chairman of the Industrial Contractors Association National Committee and Director of the Electrical Power Systems Construction Association.

CAROLINE M. (CURRIE) MCDONALD

Ms. McDonald was appointed a full-time Board Member representing labour in July, 1988. Ms. McDonald came to the Board with many years in the labour relations field, primarily with the Retail, Wholesale Department Store Union. Most recently she was the union's business agent for Eastern Ontario, through which she was responsible for the handling of grievances, arbitrations, contract negotiations and labour disputes. Ms. McDonald was Organizer/Co-ordinator of the Department Store Organizing Campaigns, where she was responsible for labour relations matters relevant to organizing in Ontario. Ms. McDonald has been active in the Ontario Federation of Labour and the Metropolitan Toronto and Eastern Ontario Labour Council.

RENE R. MONTAGUE

In March of 1986 Mr. Montague was appointed a full-time Board Member representing labour. A member of the United Auto Workers (now Canadian Auto Workers) for many years, Mr. Montague maintained many responsible positions in the union, including plant chairperson of Northern Telecom. He has extensive arbitration and bargaining experience. In 1985 Mr. Montague was elected to the Executive Committee of the United Way of Greater London and was a member of the Board of Directors and Campaign Committee of the United Way.

JOHN W. MURRAY

In August of 1981, Mr. Murray was appointed as a part-time Member of the Board representing management. Mr. Murray earned a B.A. degree in Maths and Physics as well as an M.A. degree from the University of Western Ontario. Having served as a Lieutenant with the Royal Canadian Navy during the Second World War, he commenced a career in sales in 1946. He joined the Purchasing Department of John Labatt Ltd. in 1956, becoming Director of Purchasing in 1957. He subsequently held a number of Senior Management positions in the Labatt Group of companies in several parts of the country. He was a vice-president of Labatt Brewing Company for several years before his retirement in January 1982.

DAVID A. PATTERSON

Mr. Patterson was appointed a full-time Board Member representing labour in April, 1986. A member of the United Steelworkers of America for many years, a miner by trade, he advanced through the ranks of his Union to President of Local 6500, U.S.W.A. from 1976-1981, Director, District 6, U.S.W.A.. in Ontario 1981-1986. He was elected Vice-President-at-large of the C.L.C. from 1982-1986. He was a member of the Board of Directors of the M.A.P.A.D. Mr. Patterson also served on the Premier's Advisory Committee, the Ontario Labour-Management Study Group.

HUGH PEACOCK

Mr. Peacock was appointed a full-time Board Member representing labour in November, 1986. Prior to joining the Board Mr. Peacock was Legislative Representative for the Ontario Federation of Labour. He came to the OFL after having been the Woodworkers' Education and Research Representative (1960-1961), worked in the UAW Canada Research Department (1962-1967), and having been a negotiator for the Toronto Newspaper Guild (1972-1976). Mr. Peacock was a member of the Ontario Parliament, representing Windsor West (NDP) from 1967 to 1971. He is currently a member of various social and community organizations.

ROSS W. PIRRIE

Mr. Pirrie was appointed a part-time Board Member representing management in January, 1985 and a full-time Board Member in May 1988. Having been employed by Canadian National Railways for ten years, in 1960 he joined Shell Canada Limited. At Shell Canada, Mr. Pirrie held a wide range of managerial positions in general management, occupational health, human resources and on retiring in 1984 was corporate manager of labour relations. Mr. Pirrie holds the degree of B.A. (Psychology) from the University of Toronto.

FRED B. REAUME

Immediately prior to being appointed a full-time Board Member representing Management in January 1992, Mr. Reaume was Executive Director and Labour Relations Director for the General Contractors Association of Hamilton as well as Chief Administrative Officer for the Association of Millwrighting Contractors of Ontario. He served as Employer Spokesman in province-wide Collective Bargaining with the Labourers International Union of North America, Ontario Provincial District Council from 1984 to 1990. He previously served in Senior Industrial Relations positions with General Steel Wares and Burlington Steel, and has acted as Industrial Relations consultant to several private organizations. In



addition, he lectures at Mohawk College in the Business Faculty in Business Organization and Labour Relations. Mr. Reaume is a graduate of University of Western Ontario (BBA '57) and McMaster University (MBA '68).

#### JOHN REDSHAW

Mr. Redshaw was appointed a full-time Board Member representing labour in July, 1986. From 1966 to 1971 he served as business representative for Local 793, International Union of Operating Engineers. He was area supervisor for Hamilton, St. Catharines and Kitchener, a position which included organizing and negotiation of all collective agreements in the construction industry. From 1979 until his appointment to the Board, Mr. Redshaw worked in the Union's Labour Relations Department, first in Toronto and then Cambridge. He has been Secretary-Treasurer of the Canadian Conference of Operating Engineers and Secretary of the Waterloo, Wellington, Dufferin, Grey, Building Trades Council.

#### KENNETH V. ROGERS

Mr. Rogers was appointed in August, 1984, as a part-time Board Member representing labour. From 1967 to 1976, he was a representative with the International Chemical Workers Union and served as Secretary-Treasurer of the Canadian Chemical Workers Union from 1976 to 1980. When the Energy and Chemical Workers Union was founded in 1980, Mr. Rogers became its Ontario Co-ordinator and remained in the position until 1988. He is a former Vice-President of the Ontario Federation of Labour. Mr. Rogers is currently employed as Director of Regional Sectoral Services with the Workers Health and Safety Centre.

#### JAMES A. RONSON

Mr. Ronson was appointed a full-time Member of the Board representing management in August of 1979. He graduated from the University of Toronto with a B.A.Sc. in 1965 and an LL.B. in 1968. After his call to the Bar, Mr. Ronson practised law in Toronto. During his practice he served on numerous boards of arbitration as employer nominee.

#### JUDITH A. RUNDLE

Ms. Rundle was appointed a full-time Board Member representing management in July, 1986. She joined the Board with an impressive background in the personnel field. After the University of Toronto, Ms. Rundle held responsible personnel positions at Toronto General Hospital and National Trust Company. Ms. Rundle joined the Riverdale Hospital in 1979, first as Assistant to the Director of Personnel and subsequently as Assistant Administrator of Human Resources.



From January, 1986 until her arrival at the Board, Ms. Rundle was employed as Acting Director of Personnel and Labour Relations at Toronto General Hospital. She was active as management representative on boards of arbitration and has been a member of various management organizations.

GORDON O. SHAMANSKI

A graduate of the University of Chicago (B.A.), Mr. Shamanski was appointed a full-time Board Member representing management in July, 1986. He joined the Board with an impressive background in the personnel field, having been Personnel Manager at Rothmans of Pall Mall Canada Ltd., 1963-1970, and at Canadian Motor Industries Holdings Limited, 1970-1971. From 1972 to 1985 Mr. Shamanski was Corporate Director of Personnel and Industrial Relations at Domglas Inc. where he was responsible for labour contract negotiations, labour board hearings, compensation and benefits design, health and safety, management development and training, and staff recruitment. He has lectured in industrial relations and is a member of various management organizations.

ROBERT M. SLOAN

Prior to being appointed a full-time Board Member representing management in November, 1986, Mr. Sloan was employed by Alcan as Corporate Industrial Relations Manager and Occupational Health and Safety Co-ordinator. In this capacity Mr. Sloan, a graduate of Sir George Williams University (B.A.) was directly involved in all phases of the personnel and labour relations scene including representation in various management organizations.

E.G. (TED) THEOBALD

Mr. Theobald was appointed as a part-time Board Member representing labour in December, 1982 and became a full-time Member in 1986. From 1976 to June, 1982, he was an elected member of the Board of Directors of O.P.S.E.U., and during this period served a term as Vice-President. A long time political and union activist, Mr. Theobald has served as President and Chief Steward of a 600 member local union. He has served on numerous union committees and has either drafted or directly contributed to several labour relations related reports. He is experienced in grievance procedure and arbitration.

JANET TRIM

Appointed a part-time Board Member representing management in May, 1987, Ms. Trim comes to the Board with many years of experience in construction labour relations. Representing the General Contractors, she has been a member of negotiating

committees formed to bargain provincial collective agreements. She served for several years as a management trustee on a Welfare and Pension Trust Fund and currently serves as a management trustee on an Apprenticeship Trust Fund and is a member of a Local Apprenticeship Committee.

MIKE VUKOBRAT

Mr. Vukobrat was appointed on January 31, 1990, as a part-time Board Member representing management. He has been in the Electrical Construction Industry for 36 years, the last 25 as an Electrical Contractor (Power Line Construction Ltd.). In December of 1989, he retired from the organization and his position as President. He has served as a Director of the Electrical Contractors Association of Ontario from 1973 to 1989, was President 1979-1981 and Chairman of the Electrical Trade Bargaining Agency 1985-1986. He served on every negotiating committee since provincial bargaining came into effect. Mr. Vukobrat also served as a Director of the Electrical Power Systems Construction Association from 1981 to 1989 and served on their negotiating committees. He is immediate Past Chairman of the Construction Employers Coordinating Council of Ontario and is presently Executive Director of that organization.

W.H. (BILL) WIGHTMAN

Mr. Wightman was first appointed to the Board in 1968, becoming a full-time Member in 1977, and resigned from the Board in April 1979, in order to serve as a member of the 31st Parliament of Canada and Parliamentary Secretary to the Minister of Labour. He was re-appointed as a full-time Board Member representing management in May, 1981. Following 12 years as an industrial relations specialist in the petro-chemical, food processing and health care industries in the U.S. and Canada, he became Director of Industrial Relations for the Canadian Manufacturers' Association from 1966 to 1977. Concurrently, he served as the Canadian Employer Delegate and Technical Advisor to the International Labour Organization in Geneva and the Organization for Economic Co-operation and Development in Paris, and as a member of the Canada Manpower and Immigration Council, the Unemployment Insurance Advisory Committee and the Attorney-General's Committee on Prison Industries. He is a graduate of Clarkson University (BBA '50) and Columbia University (MS '54).

DANIEL G. WOZNIAK

Mr. Wozniak was appointed a part-time Board Member representing management in March, 1987. A graduate of the University of Manitoba (B.A.) and the Manitoba Law School (LL.B.), Mr. Wozniak has held various personnel-related positions. He started his business career with DuPont of

Canada Ltd. where he held various positions in the employee relations department. In 1960, he joined Standard Brands Limited (now known as Nabisco Brands Ltd.) in Montreal and was promoted to the position of Vice-President, Personnel and Industrial Relations. In 1976 he joined Canada Wire and Cable Ltd. in Toronto where he held the position of Vice-President, Personnel and Industrial Relations until his retirement in 1987. A member of various management organizations, Mr. Wozniak served as the Deputy Employer's representative to the 72nd ILO Convention in Geneva (1986).

## V BOARD PUBLICATIONS

The Ontario Labour Relations Board publishes the following:

The Ontario Labour Relations Board Reports: A monthly publication of selected Board decisions which also contains other information and statistics on proceedings before the Board.

A Guide to the Labour Relations Act: A booklet explaining in layperson's terms the provisions of the Labour Relations Act and the Board's practices. This publication is revised periodically to reflect current law and Board practices. The Guide is also available in French.

Monthly Highlights: A publication in leaflet form containing scope notes of significant Board decisions on a monthly basis. This publication also contains Board notices of interest to the industrial relations community and information relating to new appointments and other internal developments.

Pamphlets: To date the Board has published three pamphlets; "Rights of Employees, Employers and Trade Unions", "Certification by the Ontario Labour Relations Board", and "Unfair Labour Practice Proceedings before the Ontario Labour Relations Board". All three pamphlets are available in English, French, Italian and Portuguese. The pamphlet entitled "Unfair Labour Practice Proceedings before the Ontario Labour Relations Board", describes unfair labour practice proceedings before the Board and also contains useful instructions in filling out Form 58, which is used to institute proceedings.

All of the Board's publications may be obtained by calling, writing, or visiting the Board's offices. The Ontario Labour Relations Board Reports are available through annual subscriptions, (January - December issues inclusive) currently priced at \$160.50, including G.S.T. Individual copies of the Reports may be purchased at the Government of Ontario Bookstore. Order forms for subscriptions are available from the Board.



## **VI                    STAFF AND BUDGET**

At the end of the fiscal year 1991-92, the Board employed a total of 132 persons on a full-time basis. The Board has two types of employees. The Chair, Alternate Chair, Vice-Chairs and Board Members are appointed by the Lieutenant Governor in Council. The administrative, field and support staff are civil service appointees.

The total budget of the Ontario Labour Relations Board for the 1991-92 fiscal year was \$10,231,314.

## VII COURT ACTIVITY 1990-1991

During the year under review, the courts dealt with nine applications for judicial review, and dismissed all nine.

In one of the applications for judicial review which was dismissed by the Divisional Court, the applicant sought leave to appeal to the Court of Appeal, which was refused. An application to have the Court of Appeal decision set aside was pending at year-end.

Three applications for judicial review were withdrawn or abandoned by the applicants in the year under review.

Three applications to stay Board proceedings pending judicial review applications were brought. Two were refused and one was granted.

Three applications for leave to appeal decisions made in previous years dismissing applications for judicial review were heard. Two were denied and one was granted.

An application for leave to appeal a decision upholding a Board decision to the Supreme Court of Canada was denied.

An appeal was allowed overturning a Divisional Court decision which had quashed a Board decision.

Nine other applications for judicial review were pending as at year-end. One application for leave to appeal the dismissal of a judicial review application and one application for leave to appeal a decision upholding the Board to the Supreme Court of Canada were also pending. One appeal to the Court of Appeal was also pending, as was an application to have a Divisional Court decision dismissing an application for judicial review set aside.

All court decisions respecting applications involving the Board are reported in the Board's Monthly Reports.

## VIII COURT ACTIVITY 1991-1992

During the year under review, the Ontario Court of Justice (General Division) dealt with four applications for judicial review, all of which were dismissed.

One application for judicial review was abandoned, and another was adjourned sine die.

Two applications to stay Board proceedings pending judicial review applications were brought. One was refused and one is pending.

Five other applications for judicial review were pending as at year-end, as was a Board motion to quash a subpoena.

During the year under review, the Court of Appeal in two cases denied leave to appeal a decision which had dismissed an application for judicial review. One of these applications for leave was sought after an order denying an extension of the time limit to bring the application was overturned.

In another case, the Court of Appeal allowed an appeal of a decision which had upheld the Board's decision.

Four other applications for leave to appeal were pending at year-end.

An unopposed application to stay proceedings pending an appeal to the Supreme Court of Canada was granted by the Court of Appeal.

During the year under review, the Supreme Court of Canada dealt with one request for leave to appeal and one appeal.

An application for leave to appeal a Court of Appeal decision upholding a Board decision was granted and the appeal was pending at year-end.

An appeal of a decision upholding a Board decision was dismissed by the Supreme Court of Canada.

All court decisions respecting applications involving the Board are reported in the Board's Monthly Reports.

## IX CASELOAD 1990-1991

In fiscal year 1990-91, the Board received a total of 3,488 applications and complaints, an increase of 6 percent over the intake of 3,287 cases in 1989-90. Of the three major categories of cases that were brought to the Board under the Act, applications for certification of trade unions as bargaining agents decreased by 14.8 percent over last year, contraventions of the Act increased by 8.1 percent and referrals of grievances under the construction industry collective agreements increased by 31.9 percent. The total of all other types of cases decreased by 1.6 percent. (Tables 1 and 2).

In addition to the cases received, 994 were carried over from the previous year for a total caseload of 4,482 in 1990-91. Of the total caseload, 2,799 or 62.4 percent, were disposed of during the year; proceedings in 781 were adjourned sine die\* (without a fixed date of further action) at the request of the parties; and 902 were pending in various stages of processing at March 31, 1991.

The total number of cases processed during the year produced an average workload of 299 cases for the Board's full-time chair and vice-chairs, and the total disposition represented an average output of 187 cases.

### Labour Relations Officer Activity

In 1990-91, the Board's labour relations officers were assigned a total of 2,658 cases to help the parties settle differences between them without the necessity of formal litigation before the Board. The assignments comprised 59.3 percent of the Board's total caseload, and included 581 certification applications, 39 cases concerning the status of individuals as employees under the Act, 807 complaints of alleged contravention of the Act, 1,142 grievances under construction industry collective agreements, 86 complaints under the Occupational Health and Safety Act, and three under the Environmental Protection Act. (Table 3).

The labour relations officers completed activity in 1,563 of the assignments, obtaining settlements in 1,278 or 81.8 percent. They referred 285 cases to the Board for decisions, proceedings were adjourned sine die in 562 cases, and settlement efforts were continuing in the remaining 533 cases at March 31, 1991. Labour relations officers were also successful in having hearings waived by the parties in 292 or 72.5 percent of 403 certification applications assigned for this purpose.

\*The Board regards sine die cases as disposed of, although they are kept on docket for one year.



## **Representation Votes**

In 1990-91, the Board's returning officers conducted a total of 218 representation votes among employees in one or more bargaining units. Of the 218 votes conducted, 147 involved certification applications, 60 were held in applications for termination of existing bargaining rights, and 11 were taken in successor employer applications. (Table 5).

Of the certification votes, 87 involved a single union on the ballot, and 60 involved two unions.

A total of 15,462 employees were eligible to vote in the 218 that were conducted, of whom 12,295 or 79.5 percent cast ballots. Of those who participated, 68.3 percent voted in favour of union representation. In the 87 elections that involved a single union, 78.7 percent of the eligible voters cast ballots, with 48.3 percent of the participants voting for union representation.

In the 60 votes in applications for termination of bargaining rights, 80.6 percent of the eligible voters cast ballots, with only 30.0 percent of those who participated voting for the incumbent unions.

## **Final Offer Votes**

In addition to taking votes ordered in its cases, the Board's Registrar was requested by the Minister to conduct votes among employees on employers' last offer for settlement of a collective agreement dispute under section 40(1) of the Act. Although the Board is not responsible for the administration of votes under that section, the Board's Registrar and field staff are used to conduct these votes because of their expertise and experience in conducting representation votes under the Act.

Of the 18 requests dealt with by the Board during the fiscal year, votes were conducted in 15 situations, and settlements were reached in three cases before a vote was taken.

In the 15 votes held, employees accepted the employer's offer in four cases by 93 votes in favour to 59 against, and rejected the offer in 11 cases by 488 votes against to 231 in favour.

## Hearings

The Board held a total of 1,719 hearings and continuation of hearings in 906 or 20.2 percent of the 4,484 cases processed during the fiscal year. This was an increase of 644 sittings from the number held in 1989-90. One hundred and twenty-three of the hearings were conducted by a vice-chair sitting alone, compared with 65 in 1989-90.

## Processing Time

Table 7 provides statistics on the time taken by the Board to process the 2,799 cases disposed of in 1990-91. Information is shown separately for the three major categories of cases handled by the Board - certification applications, complaints of contravention of the Act, and referrals of grievances under construction industry collective agreements - and for the other categories combined.

A median of 45 days was taken to proceed from filing to disposition for 2,799 cases that were completed in 1990-91, compared with 47 days in 1989-90, certification applications were processed in a median of 46 days, compared with 40 days in 1989-90; complaints of contravention of the Act took 52 days, compared with 53 days in 1989-90; and referrals of construction industry grievances required 21 days, compared with 15 days in 1989-90. The median time for the total of all other cases increased to 82 days from 75 in 1989-90.

Seventy point three percent (70.3) of all dispositions were accomplished in 84 days (3 months) or less, compared with 73.5 percent for certification applications, 67.6 percent for complaints of contravention of the Act, 86.6 percent for referrals of construction industry grievances, and 51 percent for the total of all other types of cases. The number of cases requiring more than 168 days (6 months) to complete increased to 433 from 404 in 1989-90.

## Certification of Bargaining Agents

In 1990-91, the Board received 775 applications for certification of trade unions as bargaining agents of employees, a decrease of 14.8 percent over 1989-90. (Tables 1 and 2).

The applications were filed by 87 trade unions, including 35 employee associations. Fifteen of the unions, each with more than 20 applications, accounted for 76.0 percent of the total filings: Canadian Auto Workers (42 cases), Canadian Union of Public Employees (CUPE)(49 cases), International Brotherhood of Electrical Workers (IBEW)(28

cases), Food and Commercial Workers (31 cases), Hotel Employees (29 cases), Ontario Public Service Employees (29 cases), Service Employees Intl. (38 cases), United Steelworkers (39 cases), Carpenters (52 cases), Intl. Operating Engineers (32 cases), Labourers (110 cases), Ontario Public School Teachers (36 cases), Painters (22 cases), Plumbers (23 cases) and Teamsters (29 cases). In contrast, 19.5 percent of the unions filed fewer than five applications each. These unions together accounted for 5.5 percent of the total certification filings. (Table 8).

Table 9 gives the industrial distribution of the certification applications received and disposed of during the year. Non-manufacturing industries accounted for 81.3 percent of the applications received, concentrated in construction (247 cases), health and welfare services (129 cases), education and related services (54 cases), other services (51 cases) and accommodation and food services (46 cases). These five groups comprised 83.7 percent of the total non-manufacturing applications. Of the 145 applications involving establishments in manufacturing industries, 69.0 percent were in seven groups: food and beverages (20 cases), metal fabricating (20 cases), wood (8 cases), transportation equipment (9 cases), printing and publishing (13 cases), other manufacturing (20 cases) and machinery (10 cases).

In addition to the applications received, 238 cases were carried over from last year, making a total certification caseload of 1,013 in 1990-91. Of the total caseload, 773 were disposed of, proceedings were adjourned sine die in 43 cases, and 197 cases were pending at March 31, 1991. Of the 773 dispositions, certification was granted in 511 cases, including nine in which interim certificates were issued under section 6(2) of the Act, and four that were certified under Section 8; 123 cases were dismissed, proceedings were terminated in five cases, and 67 cases were withdrawn. The certified cases represented 66.1 percent of the total dispositions. (Table 1).

Of the 639 applications that were either certified, dismissed or terminated, final decisions in 139 cases were based on the results of representation votes. Of the 139 votes conducted, 86 involved a single union on the ballot, and 53 were held between two unions. Applicants won in 77 of the votes and lost in the other 62. (Table 6).

A total of 15,170 employees were eligible to vote in the 139 elections, of whom 11,401 or 75.2 percent cast ballots. In the 77 votes that were won and resulted in certification, 5,151 or 67.2 percent of the 7,664 employees eligible to vote cast ballots, and of these voters 4,318 or 60.4 percent



favoured union representation. In the 62 elections that were lost and resulted in dismissals, 6,250 or 83.3 percent of the 7,506 eligible employees participated, and of these only 45.3 percent voted for union representation.

**Size and Composition of Bargaining Units:** Small units continued to be the predominant pattern of union organizing efforts through the certification process in 1990-91. The average size of the bargaining units in the 511 applications that were certified was 40 employees, compared with 30 employees in 1989-90. Units in construction certifications averaged 12 employees, up from seven in 1989-90; and in non-construction certifications they averaged 50 employees, compared with 40 in 1989-90. Seventy-six percent of the total certifications involved units of fewer than 40 employees, and thirty-four percent applied to units of fewer than ten employees. The total number of employees covered by the certification applications granted increased to 20,552 from 17,184 in 1989-90. (Table 10).

Of the employees covered by the applications certified, 5,159 or 25 percent, were in bargaining units that comprised full-time employees or in units that excluded employees working 24 hours or less a week. Units composed of employees working 24 hours or less a week accounted for 2,850 employees, found mostly in education, and health and welfare services and represented mainly by teachers' unions and the Ontario Nurses Association. Full-time and part-time employees were represented in units covering 12,543 employees, including units that did not specifically exclude employees working 24 hours or less a week. (Tables 12 and 13).

Seventy-six point three percent (76.3) of the employees, or 15,688 were employed in production, services and related occupations; and 1,312 were in office, clerical and technical occupations - mainly in education, and health and welfare services. Professional employees, found mostly in education, and health and welfare services, accounted for 2,652 employees; a small number, 194 employees, were in sales classifications, and 706 were in units that included employees in two or more classifications. (Tables 14 and 15).

**Disposition Time:** A median time of 41 calendar days was required to complete the 511 certification applications granted from receipt to disposition. For non-construction certifications, the median time was 39 days, and for construction certifications the median time was 53 days. (Table 11).



Seventy-five point nine percent (75.9) of the 511 certification applications granted were disposed of in 84 days (3 months) or less, 62.2 percent took 56 days (2 months) or less, 26.8 percent required 28 days (one month) or less, and 6.5 percent were processed in 21 days (three weeks) or less. Fifty-two cases required longer than 168 days (six months) to process, compared with 35 cases in 1989-90.

### **Termination of Bargaining Rights**

In 1990-91, the Board received 129 applications under sections 58, 60, 61, 62 and 125 (formerly sections 57, 59, 60, 61 and 123) of the Act, seeking termination of the bargaining rights of trade unions. In addition, 66 cases were carried over from 1989-90.

Of the total cases processed, bargaining rights were terminated in 67 cases, 37 cases were dismissed, 37 cases were withdrawn or settled, proceedings were terminated or adjourned sine die in 21 cases, and 33 cases were pending at March 31, 1991.

Unions lost the right to represent 1,397 employees in the 67 cases in which termination was granted, but retained bargaining rights for 1,224 employees in the 54 cases that were either dismissed or withdrawn.

Of the 104 cases that were either granted or dismissed, dispositions in 54 were based on the results of representation votes. A total of 1,234 employees were eligible to vote in the 54 elections that were held, of whom 1,020 or 82.7 percent cast ballots. Of those who cast ballots, 328 voted for continued representation by unions and 692 voted against. (Table 6).

### **Declaration of Successor Trade Union**

In 1990-91, the Board dealt with five applications for declarations under Section 63 (formerly section 62) of the Act concerning the bargaining rights of successor trade unions resulting from a union merger or transfer of jurisdiction, compared to 23 in 1989-90.

Affirmative declarations were issued by the Board in three cases and two were pending at March 31, 1991.

## **Declaration of Successor or Common Employer**

In 1990-91, the Board dealt with 256 applications for declarations under Section 64 (formerly section 63) of the Act concerning the bargaining rights of trade unions of a successor employer resulting from a business sale, or for declarations under section 1(4) to treat two companies as one employer. The two types of request are often made in a single application.

Affirmative declarations were issued by the Board in 24 cases, 86 cases were either settled or withdrawn by the parties, ten cases were dismissed, proceedings were terminated or adjourned sine die in 55 cases, and 81 cases were pending at March 31, 1991.

## **Accreditation of Employer Organizations**

Five applications were processed under sections 127 through 129 (formerly sections 125 to 127) of the Act for accreditation of employer organizations as bargaining agents of employers in the construction industry. Three cases were granted and two cases were pending at March 31, 1991.

## **Declaration and Direction of Unlawful Strike**

In 1990-91, the Board dealt with nine applications seeking a declaration under Section 94 (formerly section 92) against an alleged unlawful strike by employees in the construction industry. One case was granted, two cases were dismissed, three cases were withdrawn or settled, one case was adjourned sine die and two were pending at March 31, 1991.

Nine applications were dealt with seeking directions under Section 94 against alleged unlawful strikes by employees in non-construction industries. Directions were issued in two cases, one was dismissed, four were settled or withdrawn, and two were pending at March 31, 1991.

Thirty-three applications were also processed, seeking directions under Section 137 (formerly section 135) of the Act against alleged unlawful strikes by construction workers. Directions were issued in five cases, one case was dismissed, seven were settled or withdrawn, proceedings were terminated or adjourned sine die in 19 cases, and one was pending at March 31, 1991.

### **Declaration and Direction of Unlawful Lock-out**

Five applications were processed in 1990-91, seeking declaration under Section 95 (formerly section 93) of the Act against alleged unlawful lock-out by construction employers. One case was dismissed, three were either withdrawn or settled and one case was adjourned sine die.

Fourteen applications were processed seeking a direction under Section 95 of the Act against alleged unlawful lock-out by non-construction employers. A direction was issued in two cases, one case was dismissed, one was terminated, five were settled or withdrawn, three cases were adjourned sine die, and two cases were pending at March 31, 1991.

### **Consent to Prosecute**

In 1990-91, the Board dealt with eight applications under Section 103 (formerly section 101) of the Act, requesting consent to institute prosecution in court against unions and employers for alleged commission of offences under the Act.

Of the eight applications processed, which included three carried over from the previous year, three were adjourned sine die, and two were pending at March 31, 1991. All of the disposed cases were either settled or withdrawn.

### **Complaints of Contravention of Act**

Complaints alleging contravention of the Act may be filed with the Board for processing under Section 91 (formerly section 89) of the Act. In handling these cases the Board emphasizes voluntary settlements by the parties involved, with the assistance of a labour relations officer.

In 1990-91, the Board received 883 complaints under this section, an increase of 66 cases over the 817 filed in 1989-90. In complaints against employers, the principal charges were alleged illegal discharge of or discrimination against employees for union activity in violation of sections 65 and 67 (formerly sections 64 and 66) of the Act, illegal changes in wages and working conditions contrary to section 81 (formerly section 79), and failure to bargain in good faith under section 15. These charges were made mostly in connection with applications for certification. The principal charge against trade unions was alleged failure to represent employees fairly in grievances against their employer.



In addition to the complaints received, 269 cases were carried over from 1989-90. Of the 1,152 total processed, 709 were disposed of, proceedings were adjourned sine die in 140 cases, and 303 cases were pending at March 31, 1991.

Five hundred and thirty or 74.8 percent of the 709 dispositions, voluntary settlements and withdrawals of the complaint were secured by labour relations officers (Table 4), remedial orders were issued by the Board in 21 cases, 125 cases were dismissed, proceedings were terminated in five cases and 558 cases were either settled or withdrawn.

### **Construction Industry Grievances**

Grievances over alleged violation of the provisions of a collective agreement in the construction industry may be referred to the Board for resolution under Section 126 (formerly section 124) of the Act. As with complaints of contravention of the Act, the Board encourages voluntary settlement of these cases by the parties involved, with the assistance of a labour relations officer.

In 1990-91, the Board received 1162 cases under this section, an increase of 31.9 percent over the previous year. The principal issues in these grievances were alleged failure by employers to make required contributions to health and welfare, pension and vacation funds, failure to deduct union dues, and alleged violation of the subcontracting and hiring arrangements in the collective agreement.

In addition to the cases received, 168 were carried over from 1989-90. Of the total 1330 processed, 699 were disposed of, proceedings were adjourned sine die in 471 cases, and 160 were pending at March 31, 1991.

In 597 or 85.4 percent of the 699 dispositions, voluntary settlements and withdrawals of the grievance were obtained by labour relations officers (Table 4), awards were made by the Board in 68 cases, 17 cases were dismissed, proceedings were terminated in one case and 613 cases were either settled or withdrawn.

### **MISCELLANEOUS APPLICATIONS AND COMPLAINTS**

#### **Right of Access**

In 1990-91, two applications were dealt with under section 11 of the Act in which the union sought access to the employer's property. Access was granted in one case and one case was settled.



### **Religious Exemption**

Eight applications were processed under Section 48 (formerly section 47) of the Act, seeking exemption for employees from the union security provisions of collective agreements because of their religious beliefs. Three applications were dismissed, and the remaining five were settled.

### **Early Termination of Collective Agreements**

Eighteen applications were processed under Section 53(3) (formerly section 52(3)) of the Act, seeking early termination of collective agreements. Consent was granted in eight cases, while proceedings were terminated in five cases and five cases were pending at March 31, 1991.

### **Union Financial Statements**

Ten complaints were dealt with under Section 87 (formerly section 85) of the Act, alleging failure by trade unions to furnish members with audited financial statements of the union's affairs. One case was withdrawn, settlements were reached in seven cases, and two cases were pending at March 31, 1991.

### **Jurisdictional Disputes**

Sixty-four complaints were dealt with under Section 93 (formerly section 91) of the Act involving union work jurisdiction. An assignment of work in dispute was made by the Board in four cases, ten cases were dismissed, 12 cases were settled or withdrawn, ten cases were adjourned sine die, and 28 cases were pending at March 31, 1991.

### **Determination of Employee Status**

The Board dealt with 78 applications under Section 108(2) (formerly section 106(2)) of the Act, seeking decisions on the status of individuals as employees under the Act. Twenty-nine cases were settled or withdrawn by the parties in discussions with labour relations officers. Determinations were made by the Board in seven cases, in which 4 of the 24 persons in dispute were found to be employees under the Act. Five cases were dismissed, proceedings were adjourned sine die in eight cases, and 29 cases were pending at March 31, 1991.

## **Referrals by Minister of Labour**

In 1990-91, the Board dealt with four cases referred by the Minister under Section 109 (formerly section 107) of the Act for opinions or questions related to the Minister's authority to appoint a conciliation officer under section 16 of the Act, or an arbitrator under sections 45 or 46 (formerly sections 44 and 45). Two cases were either granted or adjourned sine die, and two cases were pending at March 31, 1991.

One case was referred to the Board by the Minister under Section 141(4) (formerly section 139(4)) of the Act, concerning the designations of the employee and employer agencies in a bargaining relationship in the industrial, commercial and institutional sector of the construction industry. The case was adjourned sine die.

## **Trusteeship Reports**

Three statements were filed with the Board during the year reporting that local unions had been placed under trusteeship.

## **First Agreement Arbitration**

On May 26, 1986, Section 41 (formerly section 40a) was added to the Labour Relations Act to enable first collective agreements to be settled by arbitration. The process involves two stages: the parties must first apply to the Board for a direction to arbitrate; then if the direction is granted, they may choose to have the settlement arbitrated by the Board or privately by a board of arbitration.

In 1990-91, the Board dealt with 29 applications for directions to settle first agreements by arbitration. Directions were issued in 13 cases, one case was dismissed, ten cases were settled or withdrawn, proceedings were terminated or adjourned sine die in two cases and three were pending at March 31, 1991.

## **Arbitration Provision**

Eight applications were made under Section 45(3) (formerly section 44(3)) asking the Board to modify the arbitration provision in a collective agreement. Five cases were granted, one case was settled and two cases were adjourned sine die.

## **Determination of Sector in the Construction Industry**

Four applications were dealt with by the Board under Section 153 (formerly section 150) asking the Board to determine whether construction work in question was within the industrial-commercial-institutional sector. One case was dismissed, one case was terminated, and two cases were either withdrawn or adjourned sine die.

## **Occupational Health and Safety Act and Environmental Protection Act**

In 1990-91, the Board dealt with 113 complaints under Section 50 (formerly section 24) of the Occupational Health and Safety Act, and four complaints under Section 174b (formerly section 134(b)) of the Environmental Protection Act, alleging wrongful discipline or discharge for acting in compliance with the Acts. Twenty-four cases were carried over from 1989-90.

Of the total 117 cases processed, 64 were settled by the parties in discussions with labour relations officers. Eight cases were granted, ten were dismissed, proceedings were adjourned sine die in ten cases, and the remaining 25 were pending at March 31, 1991.

## **Colleges Collective Bargaining Act**

Eight complaints were dealt with under Section 77 (formerly section 78) of the Colleges Collective Bargaining Act, alleging contraventions of the Act. Three cases were dismissed, three were settled or withdrawn, and two were pending at March 31, 1991.

Two applications were dealt with under Section 81 (formerly section 82) of the Act for decisions on the status of individuals as employees under the Act. Both were adjourned sine die.

Statistics on the cases under the Colleges Collective Bargaining Act dealt with by the Board are included in Table 1.

**X CASELOAD 1991-1992**

In fiscal year 1991-92, the Board received a total of 4,170 applications and complaints, an increase of 19.6 percent over the intake of 3,488 cases in 1990-91. Of the three major categories of cases that were brought to the Board under the Act, applications for certification of trade unions as bargaining agents increased by 40.9 percent over the previous year, contraventions of the Act increased by 0.6 percent and referrals of grievances under the construction industry collective agreements increased by 28.2 percent. The total of all other types of cases increased by 4.8 percent. (Tables 1 and 2).

In addition to the cases received, 902 were carried over from the previous year for a total caseload of 5,072 in 1991-92. Of the total caseload, 3,041 or 60.0 percent, were disposed of during the year; proceedings in 1,007 were adjourned sine die\* (without a fixed date of further action) at the request of the parties; and 1,024 were pending in various stages of processing at March 31, 1992.

The total number of cases processed during the year produced an average workload of 317 cases for the Board's full-time chair and vice-chairs, and the total disposition represented an average output of 190 cases.

**Labour Relations Officer Activity**

In 1991-92, the Board's labour relations officers were assigned a total of 3,246 cases to help the parties settle differences between them without the necessity of formal litigation before the Board. The assignments comprised 64.0 percent of the Board's total caseload, and included 847 certification applications, 29 cases concerning the status of individuals as employees under the Act, 804 complaints of alleged contravention of the Act, 1,480 grievances under construction industry collective agreements, 85 complaints under the Occupational Health and Safety Act, and one case under the Smoking in the Workplace Act. (Table 3).

The labour relations officers completed activity in 1,893 of the assignments, obtaining settlements in 1,650 or 87.2 percent. They referred 243 cases to the Board for decisions; proceedings were adjourned sine die in 742 cases; and settlement efforts were continuing in the remaining 611 cases at March 31, 1992. Labour relations officers were also successful in having hearings waived by the parties in 539 or 73.3 percent of 731 certification applications assigned for this purpose.

\*The Board regards sine die cases as disposed of, although they are kept on docket for one year.



## **Representation Votes**

In 1991-92, the Board's returning officers conducted a total of 160 representation votes among employees in one or more bargaining units. Of the 160 votes conducted, 109 involved certification applications, 44 were held in applications for termination of existing bargaining rights, and seven were taken in successor employer applications. (Table 5).

Of the certification votes, 79 involved a single union on the ballot, and 30 involved two unions.

A total of 12,858 employees were eligible to vote in the 160 elections that were conducted, of whom 9,126 or 71.0 percent cast ballots. Of those who participated, 60.5 percent voted in favour of union representation. In the 79 elections that involved a single union, 65.2 percent of the eligible voters cast ballots, with 49.3 percent of the participants voting for union representation.

In the 44 votes in applications for termination of bargaining rights, 89.7 percent of the eligible voters cast ballots, with only 26.2 percent of those who participated voting for the incumbent unions.

## **Final Offer Votes**

In addition to taking votes ordered in its cases, the Board's Registrar was requested by the Minister to conduct votes among employees on employers' last offer for settlement of a collective agreement dispute under section 40(1) of the Act. Although the Board is not responsible for the administration of votes under that section, the Board's Registrar and field staff are used to conduct these votes because of their expertise and experience in conducting representation votes under the Act.

Of the 16 requests dealt with by the Board during the fiscal year, votes were conducted in ten situations, settlements were reached in three cases before a vote was taken, and three cases were pending as at March 31, 1992.

In the ten votes held, employees accepted the employer's offer in three cases by 68 votes in favour to 47 against, and rejected the offer in seven cases by 576 votes against to 76 in favour.

## Hearings

The Board held a total of 2,127 hearings and continuation of hearings in 949 or 18.7 percent of the 5,071 cases processed during the fiscal year. This was an increase of 408 sittings from the number held in 1990-91. One hundred and twenty-six of the hearings were conducted by a vice-chair sitting alone, compared with 123 in 1990-91.

## Processing Time

Table 7 provides statistics on the time taken by the Board to process the 3,041 cases disposed of in 1991-92. Information is shown separately for the three major categories of cases handled by the Board - certification applications, complaints of contravention of the Act, and referrals of grievances under construction industry collective agreements - and for the other categories combined.

As set out in Table 7A, a median of 36 days was taken to proceed from filing to disposition for 3,041 cases that were completed in 1991-92, compared with 45 days in 1990-91; certification applications were processed in a median of 33 days, compared with 46 days in 1990-91; complaints of contravention of the Act took 46 days, compared with 52 days in 1990-91; and referrals of construction industry grievances required 15 days, compared with 21 days in 1990-91. The median time for the total of all other cases decreased to 57 days from 82 in 1990-91.

Seventy-seven point seven percent (77.7) of all dispositions were accomplished in 84 days (3 months) or less, compared with 83.7 percent for certification applications, 67.8 percent for complaints of contravention of the Act, 88.8 percent for referrals of construction industry grievances, and 63.4 percent for the total of all other types of cases (See Table 7A). The number of cases requiring more than 168 days (6 months) to complete decreased to 359 from 433 in 1990-91.

## Certification of Bargaining Agents

In 1991-92, the Board received 1,092 applications for certification of trade unions as bargaining agents of employees, an increase of 40.9 percent over 1990-91. (Tables 1 and 2).

The applications were filed by 89 trade unions, including 26 employee associations. Fourteen of the unions, each with more than 30 applications, accounted for 78.0 percent of the total filings: Labourers (250 cases),

Bricklayers International (100 cases), Canadian Union of Public Employees (CUPE) (57 cases), Food and Commercial Workers (57 cases), Hotel Employees (57 cases), Carpenters (47 cases), United Steelworkers (46 cases), Retail Wholesale Employees (45 cases), Service Employees Intl. (33 cases), Ontario Public Service Employees (OPSEU) (33 cases), Ontario Public School Teachers (32 cases), Electrical Workers (IBEW) (32 cases), Intl. Operating Engineers (31 cases), and Teamsters (31 cases). In contrast, 24.7 percent of the unions filed fewer than 5 applications each. These unions together accounted for 4.5 percent of the total certification filings. (Table 8).

Table 9 gives the industrial distribution of the certification applications received and disposed of during the year. Non-manufacturing industries accounted for 86.4 percent of the applications received, concentrated in construction (457 cases), health and welfare services (155 cases), accommodation and food services (82 cases), other services (63 cases), education and related services (48 cases) and retail trade (44 cases). These six groups comprised 90.0 percent of the total non-manufacturing applications. Of the 149 applications involving establishments in manufacturing industries, 75.2 percent were in eight groups: food and beverage (39 cases), printing and publishing (16 cases), other manufacturing (12 cases), metal fabricating (10 cases), transportation equipment (10 cases), primary metals (9 cases), machinery (8 cases) and paper (8 cases).

In addition to the applications received, 197 cases were carried over from last year, making a total certification caseload of 1,289 in 1991-92. Of the total caseload, 988 were disposed of, proceedings were adjourned sine die in 63 cases, and 238 cases were pending at March 31, 1992. Of the 988 dispositions, certification was granted in 660 cases, including 22 in which interim certificates were issued under section 6(2) of the Act, 101 cases were dismissed, and 52 cases were withdrawn. The certified cases represented 66.8 percent of the total dispositions. (Table 1).

Of the 761 applications that were either certified or dismissed, final decisions in 111 cases were based on the results of representation votes. Of the 111 votes conducted, 78 involved a single union on the ballot, and 33 were held between two unions. Applicants won in 63 of the votes and lost in the other 48. (Table 6).

A total of 12,438 employees were eligible to vote in the 111 elections, of whom 9,060 or 72.8 percent cast ballots. In the 63 votes that were won and resulted in certification, 6,007 or 69.3 percent of the 8,671 employees eligible to vote cast ballots, and of these voters 4,538 or 76.0 percent



favoured union representation. In the 48 elections that were lost and resulted in dismissals, 3,053 or 81.0 percent of the 3,767 eligible employees participated, and of these only 47.0 percent voted for union representation.

**Size and Composition of Bargaining Units:** Small units continued to be the predominant pattern of union organizing efforts through the certification process in 1991-92. The average size of the bargaining units in the 660 applications that were certified was 32 employees, compared with 40 employees in 1990-91. Units in construction certifications averaged seven employees, down from 12 in 1990-1991; and in non-construction certifications they averaged 46 employees, compared with 50 in 1990-91. Seventy-eight percent of the total certifications involved units of fewer than 40 employees, and 40.9 percent applied to units of fewer than ten employees. The total number of employees covered by the certification applications granted increased to 20,831 from 20,552 in 1990-91. (Table 10).

Of the employees covered by the applications certified, 5,729 or 27.5 percent, were in bargaining units that comprised full-time employees or in units that excluded employees working 24 hours or less a week. Units composed of employees working 24 hours or less a week accounted for 1,563 employees, found mostly in education, and health and welfare services and represented mainly by teachers' unions and the Ontario Nurses Association. Full-time and part-time employees were represented in units covering 13,539 employees, including units that did not specifically exclude employees working 24 hours or less a week. (Tables 12 and 13).

Sixty-five point four percent (65.4) of the employees, or 13,625 were employed in production, service and related occupations; and 2,415 were in office, clerical and technical occupations - mainly in mining, education, and health and welfare services. Professional employees, found mostly in education, and health and welfare services, accounted for 2,560 employees; a small number, 37 employees, were in sales classifications, and 2,194 were in units that included employees in two or more classifications. (Tables 14 and 15).

**Disposition Time:** A median time of 34 calendar days was required to complete the 660 certification applications granted from receipt to disposition compared to 41 days in 1990-91. For non-construction certifications, the median time was 28 days, 11 days less than 1990-91 and for construction certifications the median time was 47 days as opposed to 53 days in 1990-91. (Table 11).



Eighty-five point two percent (85.2) of the 660 certification applications granted were disposed of in 84 days (3 months) or less, 70.2 percent took 56 days (2 months) or less, 39.5 percent required 28 days (one month) or less, and 14.8 percent were processed in 21 days (three weeks) or less, 52 cases required longer than 168 days (six months) to process.

### **Termination of Bargaining Rights**

In 1991-92, the Board received 133 applications under sections 58, 60, 61, 62 and 125 of the Act, seeking termination of the bargaining rights of trade unions. In addition, 33 cases were carried over from 1990-91.

Of the total cases processed, bargaining rights were terminated in 35 cases, 25 cases were dismissed, 58 cases were withdrawn or settled, proceedings were terminated or adjourned sine die in six cases, and 42 cases were pending at March 31, 1992.

Unions lost the right to represent 796 employees in the 35 cases in which termination was granted, but retained bargaining rights for 1,604 employees in the 33 cases that were either dismissed or withdrawn.

Of the 60 cases that were either granted or dismissed, dispositions in 47 were based on the results of representation votes. A total of 982 employees were eligible to vote in the 47 elections that were held, of whom 881 or 89.7 percent cast ballots. Of those who cast ballots, 225 voted for continued representation by unions and 656 voted against. (Table 6).

### **Declaration of Successor Trade Union**

In 1991-92, as in 1990-91, the Board dealt with five applications for declarations under section 63 of the Act concerning the bargaining rights of successor trade unions resulting from a union merger or transfer of jurisdiction.

Affirmative declarations were issued by the Board in one case, while two cases were either dismissed or withdrawn and two were pending at March 31, 1992.

### **Declaration of Successor or Common Employer**

In 1991-92, the Board dealt with 319 applications for declarations under section 64 of the Act concerning the bargaining rights of trade unions of a successor employer resulting from a business sale, or for declarations under section 1(4) to treat two companies as one employer. The two types of request are often made in a single application.

Affirmative declarations were issued by the Board in 36 cases, 98 cases were either settled or withdrawn by the parties, 14 cases were dismissed, proceedings were adjourned sine die in 80 cases, and 91 cases were pending at March 31, 1992.

### **Accreditation of Employer Organizations**

Two applications were processed under sections 127 through 129 of the Act for accreditation of employer organizations as bargaining agents of employers in the construction industry. One case was dismissed, and one case was pending at March 31, 1992.

### **Declaration and Direction of Unlawful Strike**

In 1991-92, the Board dealt with two applications seeking a declaration under section 94 against an alleged unlawful strike by employees in the construction industry. Both cases were pending at March 31, 1992.

Seventeen applications were dealt with seeking directions under section 94 against alleged unlawful strikes by employees in non-construction industries. Directions were issued in two cases, five were settled or withdrawn, seven cases were adjourned sine die and three were pending at March 31, 1992.

Thirteen applications were also processed, seeking directions under section 137 of the Act against alleged unlawful strikes by construction workers. One case was dismissed, one was settled or withdrawn, and 11 cases were adjourned sine die.

### **Declaration and Direction of Unlawful Lock-out**

No application was made 1991-92 seeking declaration under section 95 of the Act against alleged unlawful lock-out by construction employers.

Four applications were processed seeking a direction under section 95 of the Act against alleged unlawful lock-out by non-construction employers. One case was adjourned sine die, and the remaining three cases were pending at March 31, 1992.

Four applications were processed seeking a direction under section 137 of the Act against alleged unlawful lockout. Three of these cases were withdrawn, and one was pending at March 31, 1992.

### **Consent to Prosecute**

In 1991-92, the Board dealt with four applications under section 103 of the Act, requesting consent to institute prosecution in court against unions and employers for alleged commission of offences under the Act.

Of the four applications processed, which included two carried over from the previous year, one was dismissed, one adjourned sine die, and two were pending at March 31, 1992.

### **Complaints of Contravention of Act**

Complaints alleging contravention of the Act may be filed with the Board for processing under section 91 of the Act. In handling these cases the Board emphasizes voluntary settlements by the parties involved, with the assistance of a labour relations officer.

In 1991-92, the Board received 888 complaints under this section. In complaints against employers, the principal charges were alleged illegal discharge of or discrimination against employees for union activity in violation of section 65 and 67 of the Act, illegal changes in wages and working conditions contrary to section 80, and failure to bargain in good faith under section 15. These charges were made mostly in connection with applications for certification. The principal charge against trade unions was alleged failure to represent employees fairly in grievances against their employer.

In addition to the complaints received, 303 cases were carried over from 1990-91. Of the 1,191 total processed, 752 were disposed of, proceedings were adjourned sine die in 160 cases, and 279 cases were pending at March 31, 1992.

In 582 or 77.4 percent of the 752 dispositions, voluntary settlements and withdrawals of the complaint were secured by labour relations officers (Table 4), remedial orders were issued by the Board in 32 cases, 115 cases were dismissed, 603 cases were either withdrawn or settled, and proceedings were terminated in the remaining two cases.

### **Construction Industry Grievances**

Grievances over alleged violation of the provisions of a collective agreement in the construction industry may be referred to the Board for resolution under section 126 of the Act. As with complaints of contravention of the Act, the Board encourages voluntary settlement of these cases by the parties involved, with the assistance of a labour relations officer.

In 1991-92, the Board received 1,490 cases under this section, an increase of 28.2 percent over the previous year. The principal issues in these grievances were alleged failure by employers to make required contributions to health and welfare, pension and vacation funds, failure to deduct union dues, and alleged violation of the subcontracting and hiring arrangements in the collective agreement.

In addition to the cases received, 160 were carried over from 1990-91. Of the total 1,650 processed, 793 were disposed of, proceedings were adjourned sine die in 634 cases, and 223 were pending at March 31, 1992.

In 660 or 83.2 percent of the 793 dispositions, voluntary settlements and withdrawal of the grievance were obtained by labour relations officers (Table 4), awards were made by the Board in 106 cases, 19 cases were dismissed, and 668 cases were either settled or withdrawn.

### **MISCELLANEOUS APPLICATIONS AND COMPLAINTS**

#### **Right of Access**

In 1991-92, one application was dealt with under section 11 of the Act in which the union sought access to the employer's property. Access was granted in that case.

#### **Religious Exemption**

Eight applications were processed under section 48 of the Act, seeking exemption for employees from the union security provisions of collective agreements because of their religious beliefs. One application was granted, four were settled, one adjourned sine die, and the remaining two were pending as at March 31, 1992.



### **Early Termination of Collective Agreements**

Twenty-three applications were processed under section 53(3) of the Act, seeking early termination of collective agreements. Consent was granted in seven cases, while proceedings were terminated in 12 cases, one case was dismissed, and three cases were pending at March 31, 1992.

### **Union Financial Statements**

Nine complaints were dealt with under section 87 of the Act, alleging failure by trade unions to furnish members with audited financial statements of the union's affairs. One case was dismissed, settlements were reached in six cases, one case was adjourned sine die, with one case pending at March 31, 1992.

### **Jurisdictional Disputes**

Seventy-nine complaints were dealt with under section 93 of the Act involving union work jurisdiction. Four cases were dismissed, 15 cases were withdrawn, 11 cases were adjourned sine die, and 49 cases were pending at March 31, 1992.

### **Determination of Employee Status**

The Board dealt with 72 applications under section 108(2) of the Act, seeking decisions on the status of individuals as employees under the Act. Of the 24 cases settled or withdrawn, 18 cases were settled or withdrawn by the parties in discussions with labour relations officers. Determinations were made by the Board in three cases, in which one of the six persons in dispute were found to be employees under the Act. Twenty cases were dismissed, two were terminated, proceedings were adjourned sine die in five cases, and 18 cases were pending at March 31, 1992.

### **Referrals by Minister of Labour**

In 1991-92, the Board dealt with six cases referred by the Minister under section 109 of the Act for opinions or questions related to the Minister's authority to appoint a conciliation officer under section 16 of the Act, or an arbitrator under sections 45 or 46. Three cases were granted, and the remaining three cases were withdrawn or dismissed.

No applications were referred to the Board by the Minister under section 141(4) of the Act, concerning the designations of the employee and employer agencies in a bargaining relationship in the industrial, commercial and institutional sector of the construction industry.

### **Trusteeship Reports**

Seven statements were filed with the Board during the year reporting that local unions had been placed under trusteeship.

### **First Agreement Arbitration**

On May 26, 1986, section 41 was added to the Labour Relations Act to enable first collective agreements to be settled by arbitration. The process involves two stages: the parties must first apply to the Board for a direction to arbitrate; then if the direction is granted, they may choose to have the settlement arbitrated by the Board or privately by a board of arbitration.

In 1991-92, the Board dealt with 39 applications for directions to settle first agreements by arbitration. Directions were issued in 12 cases, 15 cases were settled or withdrawn, proceedings were terminated or adjourned sine die in four cases and eight were pending at March 31, 1992.

### **Arbitration Provision**

Five applications were made under section 45(3) asking the Board to modify the arbitration provision in a collective agreement. One case was granted, two cases were withdrawn, and the remaining two cases were adjourned sine die.

### **Determination of Sector in the Construction Industry**

Three applications were dealt with by the Board under section 153 asking the Board to determine whether construction work in question was within the industrial-commercial-institutional sector. Two cases were either settled or withdrawn and one case was pending at March 31, 1992.

## **Occupational Health and Safety Act and Environmental Protection Act**

In 1991-92, the Board dealt with 108 complaints under section 50 of the Occupational Health and Safety Act, and one complaint under section 174(b) of the Environmental Protection Act, alleging wrongful discipline or discharge for acting in compliance with the Acts. Twenty-five cases were carried over from 1990-91.

Of the 109 cases processed, 53 were settled by the parties in discussions with labour relations officers. Four cases were granted, ten were dismissed, proceedings were adjourned sine die in 8 cases, and the remaining 34 were pending at March 31, 1992.

## **Colleges Collective Bargaining Act**

Four complaints were dealt with under section 77 of the Colleges Collective Bargaining Act, alleging contraventions of the Act. All four cases were withdrawn.

One application was dealt with under section 81 of the Act for decisions on the status of individuals as employees under the Act, and was pending as at March 31, 1992.

Statistics on the cases under the Colleges Collective Bargaining Act dealt with by the Board are included in Table 1.

## XI STATISTICAL TABLES 1990-91

The following statistics are indicative of the activities of the Ontario Labour Relations Board during the fiscal year 1990-91.

Table 1: Total Applications and Complaints Received, Disposed of and Pending, Fiscal Year 1990-91.

Table 2: Applications and Complaints Received and Disposed of, Fiscal Years 1986-87 to 1990-91.

Table 3: Labour Relations Officer Activity in Cases Processed, Fiscal Year 1990-91.

Table 4: Labour Relations Officer Settlements in Cases Disposed of Fiscal Year 1990-91.

Table 5: Results of Representation Votes Conducted, Fiscal Year 1990-91.

Table 6: Results of Representation Votes in Cases Disposed of, Fiscal Year 1990-91.

Table 7: Time Required to Process Applications and Complaints Disposed of, by Major Type of Case, Fiscal Year 1990-91.

Table 8: Union Distribution of Certification Applications Received and Disposed of, Fiscal Year 1990-91.

Table 9: Industry Distribution of Certification Applications Received and Disposed of, Fiscal Year 1990-91.

Table 10: Size of Bargaining Units in Certification Applications Granted, Fiscal Year 1990-91.

Table 11: Time Required to Process Certification Applications Granted, Fiscal Year 1990-91.

Table 12: Employment Status of Employees in Bargaining Units Certified, by Industry, Fiscal Year 1990-91.

Table 13: Employment Status of Employees in Bargaining Units Certified, by Union, Fiscal Year 1990-91.

Table 14: Occupational Groups in Bargaining Units Certified, by Industry, Fiscal Year 1990-91.

Table 15: Occupational Groups in Bargaining Units Certified, by Union, Fiscal Year 1990-91.



ONTARIO LABOUR RELATIONS BOARD

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Total Applications and Complaints Received, Disposed of and Pending  
Fiscal Year 1990-91

Type of Case	Caseload			Disposed of Fiscal Year 1990-91							Pending March 31, 1991
	Total	Pending April 1, 1990	Received Fiscal Year 1990-91	Total	Granted*	Dismissed	Terminated	Withdrawn	Settled		
Total	4482	994	3488	2799	813	361	32	177	1416	781	902
CERTIFICATION OF BARGAINING AGENTS	1013	238	775	773	511	123	5	67	67	43	197
DECLARATION OF TERMINATION OF BARGAINING RIGHTS	195	66	129	152	67	37	11	17	20	10	33
DECLARATION OF SUCCESSOR TRADE UNION	5	0	5	3	3	0	0	0	0	0	2
DECLARATION OF SUCCESSOR EMPLOYER OR COMMON EMPLOYER STATUS	256	62	194	122	24	10	2	8	78	53	81
APPLICATION UNDER SUCCESSOR RIGHTS (CROWN TRANSFERS)	85	76	9	63	55	1	0	5	2	2	20
ACCREDITATION	5	5	0	3	3	0	0	0	0	0	2
DECLARATION OF UNLAWFUL STRIKE	9	6	3	6	1	2	0	2	1	1	2
DECLARATION OF UNLAWFUL LOCKOUT	5	0	5	4	0	1	0	1	2	1	0
DIRECTION RESPECTING UNLAWFUL STRIKE	42	3	39	20	7	2	0	5	6	19	3
DIRECTION RESPECTING UNLAWFUL LOCKOUT	14	2	12	9	2	1	1	4	1	3	2
CONSENT TO PROSECUTE	8	3	5	3	0	0	0	2	1	3	2
CONTRAVENTION OF ACT	1152	269	883	709	21	125	5	25	533	140	303
RIGHT OF ACCESS	2	0	2	2	1	0	0	0	1	0	0
EXEMPTION FROM UNION SECURITY PROVISION IN COLLECTIVE AGREEMENT	8	3	5	8	0	3	0	0	5	0	0
EARLY TERMINATION OF COLLECTIVE AGREEMENT	18	2	16	13	8	0	5	0	0	0	5
TRADE UNION FINANCIAL STATEMENT	10	1	9	8	0	0	0	1	7	0	2
JURISDICTIONAL DISPUTE	64	31	33	26	4	10	0	12	0	10	28

Annual Report - Table 1

Total Applications and Complaints Received, Disposed of and Pending  
Fiscal Year 1990-91

Type of Case	Caseload		Disposed of Fiscal Year 1990-91							Sine Die	Pending March 31, 1991
	Total	Pending April 1, 1990	Received Fiscal Year 1990-91	Total	Granted*	Dismissed	Terminated	Withdrawn	Settled		
Total	4482	994	3488	2799	813	361	32	177	1416	781	902
REFERRAL ON EMPLOYEE STATUS	78	24	54	41	7	5	0	7	22	8	29
REFERRAL FROM MINISTER ON APPOINTMENT OF CONCILIATION OFFICER OR ARBITRATOR	4	2	2	1	1	0	0	0	0	1	2
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	1330	168	1162	699	68	17	1	15	598	471	160
REFERRAL FROM MINISTER ON CONSTRUCTION BARGAINING AGENCY	1	0	1	0	0	0	0	0	0	1	0
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	113	23	90	79	8	9	0	0	62	10	24
ENVIRONMENTAL PROTECTION ACT	4	1	3	3	0	1	0	0	2	0	1
FIRST AGREEMENT ARBITRATION DIRECTION	29	7	22	25	13	1	1	4	6	1	3
ARBITRATION PROVISION	8	0	8	6	5	0	0	0	1	2	0
DETERMINATION OF SECTOR OF CONSTRUCTION WORK	4	2	2	3	0	1	1	1	0	1	0
FINAL OFFER VOTE	18	0	18	17	4	11	0	1	1	1	0
MISCELLANEOUS	2	0	2	1	0	1	0	0	0	0	1

\* Includes cases in which a request was granted or a determination made by the Board.  
For Final Offer Votes, Granted indicates that offer was accepted and dismissed indicates a rejection.

Annual Report - Table 2

Applications and Complaints Received and Disposed of Fiscal Years 1986-87 to 1990-91									
Type of Case	Number Received, Fiscal Year					Number Disposed of, Fiscal Year			
	Total 1986-87	1987-88	1988-89	1989-90	1990-91	Total 1986-87	1987-88	1988-89	1989-90 1990-91
Total.	17160	3577	3583	3,225	3287	3488	14822	3371	3112 2856 2685 2799
CERTIFICATION OF BARGAINING AGENTS	4782	1034	1125	938	910	775	4710	1006	1108 944 880 773
DECLARATION OF TERMINATION OF BARGAINING RIGHTS	803	171	159	177	167	129	817	191	133 209 132 152
DECLARATION OF SUCCESSOR TRADE UNION	114	11	77	8	13	5	112	8	54 24 23 3
DECLARATION OF SUCCESSOR EMPLOYER OR COMMON EMPLOYER STATUS	1104	287*	185*	237*	201*	194	878	329*	144* 140* 143* 122
APPLICATION UNDER SUCCESSOR RIGHTS (CROWN TRANSFERS)	9	-	-	-	-	9	63	-	- - - 63
ACCREDITATION	10	3	1	6	-	0	9	2	1 2 1 3
DECLARATION OF UNLAWFUL STRIKE	25	2	4	5	11	3	21	1	2 4 8 6
DECLARATION OF UNLAWFUL LOCKOUT	10	2	1	2	-	5	9	2	- 2 1 4
DIRECTION RESPECTING UNLAWFUL STRIKE	253	55	46	54	59	39	168	40	33 39 36 20
DIRECTION RESPECTING UNLAWFUL LOCKOUT	29	8	3	1	5	12	25	9	2 1 4 9
CONSENT TO PROSECUTE	31	8	9	4	5	5	28	8	5 9 3 3
CONTRAVENTION OF ACT	4217	862	868	787	817	883	3785	891	734 751 700 709
RIGHT OF ACCESS	26	14	7	2	1	2	26	1	19 3 1 2
EXEMPTION FROM UNION SECURITY PROVISION IN COLLECTIVE AGREEMENT	52	17	3	14	13	5	52	20	1 12 11 8
EARLY TERMINATION OF COLLECTIVE AGREEMENT	88	11	22	12	27	16	88	13	22 13 27 13

## Annual Report - Table 2

Applications and Complaints Received and Disposed of  
Fiscal Years 1986-87 to 1990-91

Type of Case	Number Received, Fiscal Year										Number Disposed of, Fiscal Year				
	Total 1986-87	1987-88	1988-89	1989-90	1990-91	Total 1986-87	1987-88	1988-89	1989-90	1990-91	Total 1986-87	1987-88	1988-89	1989-90	1990-91
<b>Total</b>	17160	3577	3583	3225	3287	3488	14822	3371	3112	2856	2685	2799			
TRADE UNION FINANCIAL STATEMENT	32	3	7	8	5	34	7	3	10	6	8				
JURISDICTIONAL DISPUTE	148	23	35	30	27	33	108	12	17	23	30	26			
REFERRAL ON EMPLOYEE STATUS	323	74	75	65	55	54	288	58	68	62	59	41			
REFERRAL FROM MINISTER ON APPOINTMENT OF CONCILIATION OFFICER OR ARBITRATOR	17	5	5	3	2	2	13	3	5	4	-	1			
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	4512	865	865	739	881	1162	3112	664	671	529	549	699			
REFERRAL FROM MINISTER ON CONSTRUCTION BARGAINING AGENCY	2	-	1	-	-	1	2	-	1	-	1	0			
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	412	85	64	110	63	90	334	75	72	53	55	79			
ENVIRONMENTAL PROTECTION ACT	7	-	-	2	2	3	5	-	-	1	1	3			
FIRST AGREEMENT ARBITRATION DIRECTION	117	34	20	20	21	22	102	28	16	20	13	25			
ARBITRATION PROVISION	13	3	1	1	-	8	12	3	1	1	1	6			
DETERMINATION OF SECTOR OF CONSTRUCTION WORK	4	-	-	-	2	2	3	-	-	-	-	3			
FINAL OFFER VOTE	18	-	-	-	-	18	17	-	-	-	-	17			
MISCELLANEOUS	2	-	-	-	-	2	1	-	-	-	-	1			

\*Includes applications under Successor Rights (Crown Transfers)



## Annual Report - Table 3

Labour Relations Officer Activity in Cases Processed \*  
Fiscal Year 1990-91

Type of Case	Total Cases Assigned	Cases in Which Activity Completed					
		Total	Settled		Referred to Board	Sine Die	Pending
			Number	Percent			
Total	2,658	1,563	1,278	81.8	285	562	533
CERTIFICATION OF BARGAINING AGENTS	581	446	336	75.3	110	18	117
Interim certificate	11	7	5	71.4	2	1	3
Pre-hearing application	73	51	35	68.6	16	1	21
Other application	497	388	296	76.3	92	16	93
CONTRAVENTION OF ACT	807	449	361	80.4	88	104	254
REFERRAL ON EMPLOYEE STATUS	39	22	18	81.8	4	6	11
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	1,142	585	520	88.9	65	428	129
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	86	59	42	71.2	17	6	21
ENVIRONMENTAL PROTECTION ACT	3	2	1	50.0	1	0	1

\* Includes all cases assigned to labour relations officers, which may or may not have been disposed of by the end of the year.

## Annual Report - Table 4

Labour Relations Officer Settlements in Cases Disposed of \*  
Fiscal Year 1990-91

Type of Case	Total Disposed of	Officer Settlements	
		Number	Percent of Dispositions
Total	1531	1212	79.2
CONTRAVENTION OF ACT	709	530	74.8
REFERRAL ON EMPLOYEE STATUS	41	21	51.2
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	699	597	85.4
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	79	62	78.5
ENVIRONMENTAL PROTECTION ACT	3	2	66.7

\* Includes only cases in which labour relations officers play the leading role in the processing of the case. The figures refer to cases disposed of during the year and should not be confused with data for the same types of cases in Table 3. Table 3 refers to new assignments of cases made to labour relations officers during the year which may or may not have been disposed of by the end of the year.

## Annual Report - Table 5

Results of Representation Votes Conducted \*  
Fiscal Year 1990-91

Type of Case	Number of Votes	Eligible Employees	Ballots Cast	
			Total	In Favour of Unions
Total	218	15462	12295	8396
Certification	147	12987	10279	7036
Pre-hearing cases				
One union	32	3,738	2,912	1,464
Two unions	55	5,565	4,412	4,103
Construction cases				
One union	5	67	63	12
Regular cases				
One union	50	3,411	2,703	1,269
Two unions	5	206	189	188
Termination of Bargaining Rights				
One union	60	1,045	842	253
Successor Employer				
One union	1	122	118	69
Two unions	8	744	654	636
Three unions	2	564	402	402

\* Refers to all representation votes conducted and the results counted during the fiscal year, regardless of whether or not the case was disposed of during the year.

## Annual Report - Table 6

## Results of Representation Votes in Cases Disposed of \*

Fiscal Year 1990-91

Type of Case	Number of Votes			Eligible Votes			All Ballots Cast			Ballots Cast in Favour of Unions		
	Total	Appl.		Total	In Votes		Total	In Votes		Total	In Votes	
		Won	Lost		Won	Lost		Won	Lost		Won	Lost
Total	196	127	69	16760	8920	7840	12745	6289	6456	7746	4736	3010
Certification	139	77	62	15170	7664	7506	11401	5151	6250	7151	4318	2833
Pre-hearing cases												
One union	36	23	13	7,438	2,949	4,489	5,379	1,755	3,624	2,604	1,187	1,417
Two unions	48	33	15	4,352	3,224	1,128	3,343	2,447	896	3,251	2,401	850
Construction cases												
One union	4	1	3	64	10	54	60	10	50	12	7	5
Regular cases												
One union	46	15	31	3,110	1,275	1,835	2,430	750	1,680	1,096	535	561
Two unions	5	5	0	206	206	0	189	189	0	188	188	0
Termination												
One union	54	48	6	1,234	1,017	217	1,020	917	103	328	250	78
Successor Employer												
One union	1	1	0	122	122	0	118	118	0	69	69	0
Two unions	2	1	1	234	117	117	206	103	103	198	99	99

\* Refers to final representation votes conducted in cases disposed of during the fiscal year. This table should not be confused with Table 5 which refers to all representation votes conducted during the year regardless of whether or not the case was disposed of during the year.



Annual Report - Table 7

Time Required to Process Applications and Complaints Disposed of, by Major Type of Case, Fiscal Year 1990-91

Time Taken (Calendar Days)	All Cases			Certification Cases			Section 89 Cases			Section 124 Cases			All Other Cases		
	Dispo- sitions	Cumu- lative Percent	Dispo- sitions	Cumu- lative Percent	Dispo- sitions	Cumu- lative Percent	Dispo- sitions	Cumu- lative Percent	Dispo- sitions	Cumu- lative Percent	Dispo- sitions	Cumu- lative Percent	Dispo- sitions	Cumu- lative Percent	
Total	2799	100.0	773	100.0	709	100.0	699	100.0	618	100.0					
Under 8 days .....	89	3.2	8	1.0	41	5.8	20	2.9	20	3.2					
8-14 days .....	209	10.6	9	2.2	36	10.9	138	22.6	26	7.4					
15-21 days .....	301	21.4	55	9.3	34	15.7	189	49.6	23	11.2					
22-28 days .....	294	31.9	131	26.3	55	23.4	75	60.4	33	16.5					
29-35 days .....	213	39.5	98	38.9	47	30.0	37	65.7	31	21.5					
36-42 days .....	221	47.4	63	47.1	74	40.5	43	71.8	41	28.2					
43-49 days .....	152	52.8	36	51.7	57	48.5	30	76.1	29	32.8					
50-56 days .....	134	57.6	54	58.7	28	52.5	20	79.0	32	38.0					
57-63 days .....	93	61.0	33	63.0	21	55.4	16	81.3	23	41.7					
64-70 days .....	89	64.1	27	66.5	37	60.6	7	82.3	18	44.7					
71-77 days .....	87	67.2	24	69.6	26	64.3	21	85.3	16	47.2					
78-84 days .....	85	70.3	30	73.5	23	67.6	9	86.6	23	51.0					
85-91 days .....	62	72.5	17	75.7	16	69.8	9	87.8	20	54.2					
92-98 days .....	46	74.1	12	77.2	17	72.2	3	88.3	14	56.5					
99-105 days .....	39	75.5	5	77.9	15	74.3	1	88.4	18	59.4					
106-126 days .....	116	79.7	27	81.4	39	79.8	17	90.8	33	64.7					
127-147 days .....	73	82.3	21	84.1	14	81.8	13	92.7	25	68.8					
148-168 days .....	63	84.5	15	86.0	18	84.3	9	94.0	21	72.2					
Over 168 days .....	433	100.0	108	100.0	111	100.0	42	100.0	172	100.0					

## Annual Report - Table 8

Union Distribution of Certification Applications Received and Disposed of  
Fiscal Year 1990-91

Union	Number of Applications Received	Number of Applications Disposed of			
		Total	Certi- fied	Dismis- sed**	With- drawn
All Unions	775	773	511	128	134
CLC Affiliates *	361	375	256	71	48
AUTO WORKERS	2	2	2	0	0
BAKERY AND TOBACCO WORKERS	3	3	3	0	0
BREWERY AND SOFT DRINK WORKERS	6	3	1	2	0
CANADIAN AUTO WORKERS	42	37	23	10	4
CANADIAN PAPERWORKERS	8	13	10	2	1
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	49	49	40	3	6
CLOTHING AND TEXTILE WORKERS	8	7	5	1	1
COMMUNICATIONS-ELECTRICAL WKRS.	2	2	0	2	0
ELECTRICAL WORKERS (UE)	3	3	2	1	0
ENERGY AND CHEMICAL WORKERS	7	8	3	2	3
FOOD AND COMMERCIAL WORKERS	31	31	27	0	4
GLASS, POTTERY AND PLASTIC WKRS.	1	2	2	0	0
GRAPHIC COMMUNICATION UNION	5	8	5	2	1
HOTEL EMPLOYEES	29	23	13	4	6
LADIES GARMENT WORKERS	2	1	1	0	0
LEATHER AND PLASTIC WORKERS	1	1	1	0	0
MACHINISTS	3	4	3	0	1
NEWSPAPER GUILD	4	3	3	0	0
OFFICE AND PROFESSIONAL EMPLOYEES	4	4	2	0	2
ONTARIO PUBLIC SERVICE EMPLOYEES	29	25	22	1	2
POSTAL WORKERS	0	1	1	0	0
RAILWAY, TRANSPORT AND GENERAL WORKERS	3	2	1	0	1
RETAIL WHOLESALE EMPLOYEES	16	15	12	2	1
RUBBER WORKERS	1	1	0	1	0
SERVICE EMPLOYEES INTERNATIONAL	38	36	32	3	1
THEATRICAL STAGE EMPLOYEES	5	5	4	0	1
TRANSIT UNION (INTL.)	3	1	0	1	0
TYPOGRAPHICAL UNION	2	2	1	0	1
UNITED STEELWORKERS	39	58	23	27	8
UNITED TEXTILE WORKERS	9	8	6	2	0
WOODWORKERS	6	17	8	5	4

\* Canadian Labour Congress.

\*\* Includes cases that were terminated.

## Annual Report - Table 8

Union Distribution of Certification Applications Received and Disposed of  
Fiscal Year 1990-91

Union	Number of Applications Received	Number of Applications Disposed of			
		Total	Certi- fied	Dismis- sed**	With- drawn
Non-CLC Affiliates	414	398	255	57	86
ALLIED HEALTH PROFESSIONALS	4	5	4	0	1
ASBESTOS WORKERS	5	4	1	0	3
BOILERMAKERS	8	6	4	1	1
BRICKLAYERS INTERNATIONAL	9	8	5	0	3
CARPENTERS	52	42	27	5	10
CHRISTIAN LABOUR ASSOCIATION	11	12	8	1	3
ELECTRICAL WORKERS (IBEW)	28	19	17	1	1
INDEPENDENT LOCAL UNION	8	11	6	2	3
INTERNATIONAL OPERATING ENGINEERS	32	34	22	5	7
LABOURERS	110	109	62	16	31
ONTARIO ENGLISH CATHOLIC TEACHERS	0	1	1	0	0
ONTARIO NURSES ASSOCIATION	5	5	5	0	0
ONTARIO PUBLIC SCHOOL TEACHERS	36	34	26	1	7
PAINTERS	22	15	10	1	4
PLANT GUARD WORKERS	10	19	8	9	2
PLASTERERS	1	1	0	0	1
PLUMBERS	23	18	13	1	4
PRACTICAL NURSES FEDERATION OF ONTARIO	1	0	0	0	0
SHEET METAL WORKERS	6	6	5	0	1
STRUCTURAL IRON WORKERS	6	6	5	1	0
SUDBURY MINE WORKERS	3	3	2	1	0
TEAMSTERS	29	31	17	10	4
TRANSIT UNION (CANADIAN)	5	9	7	2	0

\* Canadian Labour Congress.

\*\* Includes cases that were terminated.

## Annual Report - Table 9

Industry Distribution of Certification Applications Received and Disposed of  
Fiscal Year 1990-91

Industry	Number of Applications Received	Number of Applications Disposed of			
		Total	Certi- fied	Dismis- sed**	With- drawn
All Industries	775	773	511	128	134
Manufacturing	145	158	105	33	20
CHEMICALS	4	5	3	1	1
CLOTHING	5	5	3	1	1
ELECTRICAL PRODUCTS	7	6	4	2	0
FABRICATED METALS	20	17	13	3	1
FOOD, BEVERAGES	20	17	16	0	1
FURNITURE, FIXTURES	4	5	3	2	0
LEATHER	1	1	1	0	0
MACHINERY	10	10	3	4	3
NON-METALLIC MINERALS	3	4	3	1	0
OTHER MANUFACTURING	20	24	12	7	5
PAPER	5	9	5	2	2
PETROLEUM, COAL	1	1	0	1	0
PRIMARY METALS	4	5	3	1	1
PRINTING, PUBLISHING	13	17	13	3	1
RUBBER, PLASTICS	7	10	7	1	2
TEXTILES	3	2	2	0	0
TOBACCO PRODUCTS	1	1	1	0	0
TRANSPORTATION EQUIPMENT	9	4	3	0	1
WOOD	8	15	10	4	1
Non-Manufacturing	630	615	406	95	114
ACCOMODATION, FOOD SERVICES	46	36	21	8	7
CONSTRUCTION	247	221	138	23	60
EDUCATION, RELATED SERVICES	54	56	42	3	11
ELECTRIC, GAS, WATER	9	5	5	0	0
FINANCE, INSURANCE CARRIERS	3	5	4	1	0
HEALTH, WELFARE SERVICES	129	126	101	14	11
LOCAL GOVERNMENT	11	12	9	0	3
MANAGEMENT SERVICES	14	13	9	1	3
MINING, QUARRYING	2	2	1	1	0

\*\* Includes cases that were terminated.



## Annual Report - Table 9

Industry Distribution of Certification Applications Received and Disposed of  
Fiscal Year 1990-91

Industry	Number of Applications Received	Number of Applications Disposed of			
		Total	Certi- fied	Dismis- sed**	With- drawn
Non-Manufacturing	630	615	406	95	114
OTHER SERVICES	51	73	31	30	12
PERSONAL SERVICES	6	8	7	1	0
REAL ESTATE, INSURANCE AGENCIES	12	7	6	1	0
RECREATIONAL SERVICES	4	7	5	2	0
RETAIL TRADE	12	11	9	1	1
STORAGE	1	1	0	1	0
TRANSPORTATION	12	17	12	2	3
WHOLESALE TRADE	17	15	6	6	3

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\*\* Includes cases that were terminated.

## Annual Report - Table 10

Size of Bargaining Units in Certification Applications Granted  
Fiscal Year 1990-91

Employee Size*	Total		Construction**		Non-Construction	
	Number of Appli- cations	Number of Em- ployees	Number of Appli- cations	Number of Em- ployees	Number of Appli- cations	Number of Em- ployees
Total	511	20,552	135	1,617	376	18,935
2-9 employees	176	898	83	395	93	503
10-19 employees	118	1,646	32	410	86	1,236
20-39 employees	92	2,550	11	310	81	2,240
40-99 employees	85	4,977	8	390	77	4,587
100-199 employees	25	3,648	1	112	24	3,536
200-499 employees	12	3,474	0	0	12	3,474
500 employees or more	3	3,359	0	0	3	3,359

\* Refers to the total number of employees in one or more bargaining units certified in an application. A total of 594 bargaining units were certified in the 511 applications in which certification was granted.

\*\* Refers to cases processed under the construction industry provisions of the Act. This figure should not be confused with the figure in Table 9, which includes all applications involving construction employers whether processed under the construction industry provisions of the Act or not.

## Annual Report - Table 11

Time Required to Process Certification Applications Granted \*  
Fiscal Year 1990-91

Calendar Days (including adjournments requested by the parties)	Total Certified		Non-Construction		Construction	
	Number	Cumulative Percent	Number	Cumulative Percent	Number	Cumulative Percent
Total	511	100.0	376	100.0	135	100.0
Under 8 days .....	0	0.0	0	0.0	0	0.0
8-14 days .....	2	0.4	0	0.0	2	1.5
15-21 days .....	31	6.5	16	4.3	15	12.6
22-28 days .....	104	26.8	84	26.6	20	27.4
29-35 days .....	70	40.5	63	43.4	7	32.6
36-42 days .....	55	51.3	44	55.1	11	40.7
43-49 days .....	25	56.2	18	59.8	7	45.9
50-56 days .....	31	62.2	20	65.2	11	54.1
57-63 days .....	18	65.8	12	68.4	6	58.5
64-70 days .....	18	69.3	15	72.3	3	60.7
71-77 days .....	15	72.2	11	75.3	4	63.7
78-84 days .....	19	75.9	16	79.5	3	65.9
85-91 days .....	13	78.5	9	81.9	4	68.9
92-98 days .....	10	80.4	5	83.2	5	72.6
99-105 days .....	4	81.2	3	84.0	1	73.3
106-126 days .....	18	84.7	13	87.5	5	77.0
127-147 days .....	14	87.5	10	90.2	4	80.0
148-168 days .....	12	89.8	8	92.3	4	83.0
Over 168 days .....	52	100.0	29	100.0	23	100.0

\* Refers only to applications in which certification was granted. This table should not be confused with Table 7 which refers to all certification applications disposed of during the year regardless of the method of disposition.

Annual Report - Table 12

Employment Status of Employees in Bargaining Units Certified by Industry  
Fiscal Year 1990-91

Industry	All Units		Full-time		Part-time		Full-time & Part-time		All Employees No Exclusion Specified	
	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.
All Industries	594 20,552	149 5,159	75 2,850	35 2,040	335 10,503					
Manufacturing	109 8,234	37 2,133	7 173	14 922	51 5,006					
FOOD, BEVERAGES	18 3,267	6 607	4 62	3 432	5 2,166					
TOBACCO PRODUCTS	1 4	1 4	0 0	0 0	0 0					
RUBBER, PLASTICS	7 872	3 145	0 0	1 28	3 699					
LEATHER	1 2	1 2	0 0	0 0	0 0					
TEXTILES	2 85	0 0	0 0	0 0	2 85					
CLOTHING	3 106	2 52	0 0	0 0	1 54					
WOOD	10 429	4 153	0 0	1 100	5 176					
FURNITURE, FIXTURES	3 100	1 59	1 34	0 0	1 7					
PAPER	5 427	1 13	0 0	0 0	4 414					
PRINTING, PUBLISHING	13 421	5 234	2 77	2 50	4 60					
PRIMARY METALS	3 140	0 0	0 0	1 11	2 129					
FABRICATED METALS	15 424	2 187	0 0	1 18	12 219					
MACHINERY	3 135	1 71	0 0	2 64	0 0					
TRANSPORTATION EQUIPMENT	3 473	1 427	0 0	0 0	2 46					
ELECTRICAL PRODUCTS	4 542	1 36	0 0	1 187	2 319					
NON-METALLIC MINERALS	3 18	2 12	0 0	0 0	1 6					
CHEMICALS	3 53	2 35	0 0	0 0	1 18					
OTHER MANUFACTURING	12 736	4 96	0 0	2 32	6 608					
Non-Manufacturing	485 12,318	112 3,026	68 2,677	21 1,118	284 5,497					
MINING, QUARRYING	1 172	1 172	0 0	0 0	0 0					
TRANSPORTATION	12 192	4 66	0 0	1 3	7 123					
ELECTRIC, GAS, WATER	5 303	3 221	0 0	0 0	2 82					



Annual Report - Table 12

Employment Status of Employees in Bargaining Units Certified by Industry  
Fiscal Year 1990-91

Industry	All Units		Full-time		Part-time		Full-time & Part-time		All Employees No Exclusion Specified	
	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.
All Industries	594	20,552	149	5,159	75	2,850	35	2,040	335	10,503
WHOLESALE TRADE	7	218	5	145	1	43	0	0	1	30
RETAIL TRADE	9	306	4	135	1	48	1	5	3	118
FINANCE, INSURANCE CARRIERS	4	42	1	18	0	0	0	0	3	24
REAL ESTATE, INSURANCE AGENCIES	6	105	5	99	0	0	0	0	1	6
EDUCATION, RELATED SERVICES	45	3,244	9	299	13	1,289	0	0	23	1,656
HEALTH, WELFARE SERVICES	130	3,795	42	969	41	954	6	839	41	1,033
RECREATIONAL SERVICES	6	228	1	22	2	157	1	29	2	20
MANAGEMENT SERVICES	9	75	3	36	0	0	3	31	3	8
PERSONAL SERVICES	8	153	5	82	1	15	0	0	2	56
ACCOMODATION, FOOD SERVICES	23	842	7	192	5	130	6	122	5	398
OTHER SERVICES	33	742	15	406	3	34	2	48	13	254
LOCAL GOVERNMENT	10	217	5	153	1	7	0	0	4	57
CONSTRUCTION	177	1,684	2	11	0	0	1	41	174	1,632

Annual Report - Table 13

Employment Status of Employees in Bargaining Units Certified by Union  
Fiscal Year 1990-91

Union	All Units		Full-time		Part-time		Full-time & Part-time		All Employees No Exclusion Specified	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Unions	594	20,552	149	5,159	75	2,850	35	2,040	335	10,503
CLC	292	13,714	105	3,647	53	1,434	26	1,101	108	7,532
AUTO WORKERS	2	9	1	2	0	0	1	7	0	0
BAKERY AND TOBACCO WORKERS	3	162	2	130	1	32	0	0	0	0
BREWERY AND SOFT DRINK WORKERS	1	10	0	0	0	0	0	0	1	10
CANADIAN AUTO WORKERS	25	4,037	9	790	2	50	3	208	11	2,989
CANADIAN PAPERWORKERS	11	519	1	8	0	0	0	0	10	511
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	44	2,102	14	489	7	210	3	62	20	1,341
CLOTHING AND TEXTILE WORKERS	5	129	1	44	0	0	2	24	2	61
ELECTRICAL WORKERS (UE)	2	8	1	4	0	0	0	0	1	4
ENERGY AND CHEMICAL WORKERS	3	137	0	0	0	0	0	0	3	137
FOOD AND COMMERCIAL WORKERS	31	950	15	348	7	148	4	285	5	169
GLASS, POTTERY AND PLASTIC WORKERS	2	296	0	0	0	0	0	0	2	296
GRAPHIC COMMUNICATION UNION	5	182	3	149	0	0	0	0	2	33
HOTEL EMPLOYEES	16	372	5	84	3	58	4	125	4	105
LADIES GARMENT WORKERS	1	8	1	8	0	0	0	0	0	0
LEATHER AND PLASTIC WORKERS	1	23	1	23	0	0	0	0	0	0
MACHINISTS	3	328	1	18	0	0	1	42	1	268
NEWSPAPER GUILD	3	101	1	44	1	40	0	0	1	17
OFFICE AND PROFESSIONAL EMPLOYEES	2	11	0	0	0	0	0	0	2	11
ONTARIO PUBLIC SERVICE EMPLOYEES	31	810	13	358	11	187	0	0	7	265
POSTAL WORKERS	1	2	0	0	1	2	0	0	0	0
RAILWAY, TRANSPORT AND GENERAL WORKERS	1	7	1	7	0	0	0	0	0	0
RETAIL WHOLESALE EMPLOYEES	13	376	7	233	1	48	2	59	3	36
SERVICE EMPLOYEES INTERNATIONAL	39	901	15	244	14	427	1	52	9	178
THEATRICAL STAGE EMPLOYEES	4	75	0	0	0	0	0	0	4	75

Annual Report - Table 13

Employment Status of Employees in Bargaining Units Certified by Union  
Fiscal Year 1990-91

Union	All Units		Full-time		Part-time		Full-time & Part-time		All Employees No Exclusion Specified	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Unions	594	20,552	149	5,159	75	2,850	35	2,040	335	10,503
-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
TYPOGRAPHICAL UNION	1	37	0	0	1	37	0	0	0	0
UNITED STEELWORKERS	27	1,423	9	483	2	52	3	115	13	773
UNITED TEXTILE WORKERS	7	307	2	34	2	143	1	22	2	108
WOODWORKERS	8	392	2	147	0	0	1	100	5	145
-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
Non-CLC	302	6,838	44	1,512	22	1,416	9	939	227	2,971
-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
ALLIED HEALTH PROFESSIONALS	5	189	1	41	1	36	0	0	3	112
ASBESTOS WORKERS	1	12	0	0	0	0	0	0	1	12
BOILERMAKERS	6	63	0	0	0	0	0	0	6	63
BRICKLAYERS INTERNATIONAL	8	123	0	0	0	0	0	0	8	123
CARPENTERS	30	331	4	186	0	0	0	0	26	145
CHRISTIAN LABOUR ASSOCIATION	11	335	3	149	3	135	0	0	5	51
ELECTRICAL WORKERS (IBEW)	27	306	3	72	0	0	0	0	24	234
INDEPENDENT LOCAL UNION	6	109	2	55	0	0	0	0	4	54
INTERNATIONAL OPERATING ENGINEERS	22	294	4	62	1	17	1	13	16	202
LABOURERS	74	947	7	249	0	0	1	2	66	696
ONTARIO ENGLISH CATHOLIC TEACHERS	1	200	0	0	1	200	0	0	0	0
ONTARIO NURSES ASSOCIATION	8	119	3	21	3	26	0	0	2	72
ONTARIO PUBLIC SCHOOL TEACHERS	27	1,654	1	34	9	982	0	0	17	638
PAINTERS	12	86	1	5	0	0	0	0	11	81
PLANT GUARD WORKERS	9	148	4	47	2	11	0	0	3	90
PLUMBERS	16	56	0	0	0	0	0	0	16	56
SHEET METAL WORKERS	7	81	0	0	0	0	0	0	7	81
STRUCTURAL IRON WORKERS	6	151	0	0	0	0	0	0	6	151
SUDBURY MINE WORKERS	2	20	1	13	1	7	0	0	0	0

Annual Report - Table 13

Employment Status of Employees in Bargaining Units Certified by Union  
Fiscal Year 1990-91

Union	All Units		Full-time		Part-time		Full-time & Part-time		All Employees No Exclusion Specified	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Unions	594	20,552	149	5,159	75	2,850	35	2,040	335	10,503
TEAMSTERS	17	869	9	552	1	2	3	271	4	44
TRANSIT UNION (CANADIAN)	7	745	1	26	0	0	4	653	2	66



Annual Report - Table 14

Occupational Groups in Bargaining Units Certified by Industry  
Fiscal Year 1990-91

	All Groups		Production & Related		Office Clerical & Technical		Professional		Sales		Other	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Industries	594	20,552	460	15,688	46	1,312	47	2,652	7	194	34	706
Manufacturing	109	8,234	93	7,777	9	156	0	0	1	4	6	297
FOOD, BEVERAGES	18	3,267	18	3,267	0	0	0	0	0	0	0	0
TOBACCO PRODUCTS	1	4	0	0	0	0	0	0	1	4	0	0
RUBBER, PLASTICS	7	872	6	702	0	0	0	0	0	0	1	170
LEATHER	1	2	1	2	0	0	0	0	0	0	0	0
TEXTILES	2	85	2	85	0	0	0	0	0	0	0	0
CLOTHING	3	106	3	106	0	0	0	0	0	0	0	0
WOOD	10	429	8	416	1	8	0	0	0	0	1	5
FURNITURE, FIXTURES	3	100	3	100	0	0	0	0	0	0	0	0
PAPER	5	427	5	427	0	0	0	0	0	0	0	0
PRINTING, PUBLISHING	13	421	7	242	4	111	0	0	0	0	2	68
PRIMARY METALS	3	140	3	140	0	0	0	0	0	0	0	0
FABRICATED METALS	15	424	14	414	1	10	0	0	0	0	0	0
MACHINERY	3	135	3	135	0	0	0	0	0	0	0	0
TRANSPORTATION EQUIPMENT	3	473	3	473	0	0	0	0	0	0	0	0
ELECTRICAL PRODUCTS	4	542	2	502	1	4	0	0	0	0	1	36
NON-METALLIC MINERALS	3	18	3	18	0	0	0	0	0	0	0	0
CHEMICALS	3	53	2	35	0	0	0	0	0	0	1	18
OTHER MANUFACTURING	12	736	10	713	2	23	0	0	0	0	0	0
Non-Manufacturing	485	12,318	367	7,911	37	1,156	47	2,652	6	190	28	409
MINING, QUARRYING	1	172	1	172	0	0	0	0	0	0	0	0
TRANSPORTATION	12	192	11	163	1	29	0	0	0	0	0	0
ELECTRIC, GAS, WATER	5	303	3	267	2	36	0	0	0	0	0	0

Annual Report - Table 14

Occupational Groups in Bargaining Units Certified by Industry  
Fiscal Year 1990-91

	All Groups		Production & Related		Office Clerical & Technical		Professional		Sales		Other	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
-----	594	20,552	460	15,688	46	1,312	47	2,652	7	194	34	706
All Industries												
WHOLESALE TRADE	7	218	7	218	0	0	0	0	0	0	0	0
RETAIL TRADE	9	306	6	191	0	0	0	0	3	115	0	0
FINANCE, INSURANCE CARRIERS	4	42	0	0	4	42	0	0	0	0	0	0
REAL ESTATE, INSURANCE AGENCIES	6	105	5	97	0	0	0	0	0	0	1	8
EDUCATION, RELATED SERVICES	45	3,244	9	421	9	589	24	2,174	0	0	3	60
HEALTH, WELFARE SERVICES	130	3,795	75	2,646	15	419	22	466	1	19	17	245
RECREATIONAL SERVICES	6	228	4	185	0	0	0	0	0	0	2	43
MANAGEMENT SERVICES	9	75	9	75	0	0	0	0	0	0	0	0
PERSONAL SERVICES	8	153	6	97	0	0	0	0	2	56	0	0
ACCOMODATION, FOOD SERVICES	23	842	21	832	2	10	0	0	0	0	0	0
OTHER SERVICES	33	742	28	709	1	2	0	0	0	0	4	31
LOCAL GOVERNMENT	10	217	5	154	3	29	1	12	0	0	1	22
CONSTRUCTION	177	1,684	177	1,684	0	0	0	0	0	0	0	0

## ONTARIO LABOUR RELATIONS BOARD

## Annual Report - Table 15

Occupational Groups in Bargaining Units Certified by Union  
Fiscal Year 1990-91

	All Groups			Production & Related			Office Clerical & Technical			Professional			Sales			Other		
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====
All Unions	594	20,552	460	15,688	46	1,312	47	2,652	7	194	34	706						
=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====
CLC	292	13,714	209	10,898	38	1,001	9	1,007	7	194	29	614						
AUTO WORKERS	2	9	2	9	0	0	0	0	0	0	0	0						
BAKERY AND TOBACCO WORKERS	3	162	3	162	0	0	0	0	0	0	0	0						
BREWERY AND SOFT DRINK WORKERS	1	10	1	10	0	0	0	0	0	0	0	0						
CANADIAN AUTO WORKERS	25	4,037	21	3,844	3	23	0	0	0	0	1	170						
CANADIAN PAPERWORKERS	11	519	9	507	2	12	0	0	0	0	0	0						
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	44	2,102	14	329	14	669	2	851	0	0	14	253						
CLOTHING AND TEXTILE WORKERS	5	129	5	129	0	0	0	0	0	0	0	0						
ELECTRICAL WORKERS (UE)	2	8	1	4	1	4	0	0	0	0	0	0						
ENERGY AND CHEMICAL WORKERS	3	137	3	137	0	0	0	0	0	0	0	0						
FOOD AND COMMERCIAL WORKERS	31	950	28	936	2	10	0	0	1	4	0	0						
GLASS, POTTERY AND PLASTIC WKRS.	2	296	2	296	0	0	0	0	0	0	0	0						
GRAPHIC COMMUNICATION UNION	5	182	4	172	1	10	0	0	0	0	0	0						
HOTEL EMPLOYEES	16	372	13	301	0	0	0	0	2	56	1	15						
LADIES GARMENT WORKERS	1	8	1	8	0	0	0	0	0	0	0	0						
LEATHER AND PLASTIC WORKERS	1	23	1	23	0	0	0	0	0	0	0	0						
MACHINISTS	3	328	2	310	1	18	0	0	0	0	0	0						
NEWSPAPER GUILD	3	101	0	0	3	101	0	0	0	0	0	0						
OFFICE AND PROFESSIONAL EMPLOYEES	2	11	1	7	1	4	0	0	0	0	0	0						
ONTARIO PUBLIC SERVICE EMPLOYEES	31	810	18	552	5	64	3	124	0	0	5	70						
POSTAL WORKERS	1	2	1	2	0	0	0	0	0	0	0	0						
RAILWAY, TRANSPORT AND GENERAL WORKERS	1	7	1	7	0	0	0	0	0	0	0	0						

Annual Report - Table 15

Occupational Groups in Bargaining Units Certified by Union  
Fiscal Year 1990-91

	All Groups		Production & Related		Office Clerical & Technical		Professional		Sales		Other	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Unions	594	20,552	460	15,688	46	1,312	47	2,652	7	194	34	706
RETAIL WHOLESALE EMPLOYEES	13	376	9	242	0	0	0	0	4	134	0	0
SERVICE EMPLOYEES INTERNATIONAL	39	901	29	772	2	62	2	16	0	0	6	51
THEATRICAL STAGE EMPLOYEES	4	75	4	75	0	0	0	0	0	0	0	0
TYPOGRAPHICAL UNION	1	37	0	0	0	0	0	0	0	0	1	37
UNITED STEELWORKERS	27	1,423	24	1,399	3	24	0	0	0	0	0	0
UNITED TEXTILE WORKERS	7	307	5	291	0	0	2	16	0	0	0	0
WOODWORKERS	8	392	7	374	0	0	0	0	0	0	1	18
Non-CLC	302	6,838	251	4,790	8	311	38	1,645	0	0	5	92
ALLIED HEALTH PROFESSIONALS	5	189	0	0	0	0	5	189	0	0	0	0
ASBESTOS WORKERS	1	12	1	12	0	0	0	0	0	0	0	0
BOILERMAKERS	6	63	6	63	0	0	0	0	0	0	0	0
BRICKLAYERS INTERNATIONAL	8	123	8	123	0	0	0	0	0	0	0	0
CARPENTERS	30	331	30	331	0	0	0	0	0	0	0	0
CHRISTIAN LABOUR ASSOCIATION	11	335	8	326	1	2	2	7	0	0	0	0
ELECTRICAL WORKERS (IBEW)	27	306	25	237	1	33	0	0	0	0	1	36
INDEPENDENT LOCAL UNION	6	109	3	47	0	0	2	55	0	0	1	7
INTERNATIONAL OPERATING ENGINEERS	22	294	21	281	1	13	0	0	0	0	0	0
LABOURERS	74	947	74	947	0	0	0	0	0	0	0	0
ONTARIO ENGLISH CATHOLIC TEACHERS	1	200	0	0	0	0	1	200	0	0	0	0
ONTARIO NURSES ASSOCIATION	8	119	0	0	0	0	8	119	0	0	0	0
ONTARIO PUBLIC SCHOOL TEACHERS	27	1,654	4	352	4	234	19	1,068	0	0	0	0
PAINTERS	12	86	12	86	0	0	0	0	0	0	0	0



Annual Report - Table 15

Occupational Groups in Bargaining Units Certified by Union  
Fiscal Year 1990-91

	All Groups		Production & Related		Office Clerical & Technical		Professional		Sales		Other	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Unions	594	20,552	460	15,688	46	1,312	47	2,652	7	194	34	706
PLANT GUARD WORKERS	9	148	9	148	0	0	0	0	0	0	0	0
PLUMBERS	16	56	16	56	0	0	0	0	0	0	0	0
SHEET METAL WORKERS	7	81	7	81	0	0	0	0	0	0	0	0
STRUCTURAL IRON WORKERS	6	151	6	151	0	0	0	0	0	0	0	0
SUDBURY MINE WORKERS	2	20	0	0	0	0	1	7	0	0	1	13
TEAMSTERS	17	869	15	833	0	0	0	0	0	0	2	36
TRANSIT UNION (CANADIAN)	7	745	6	716	1	29	0	0	0	0	0	0

## **XII        STATISTICAL TABLES    1991-92**

The following statistics are indicative of the activities of the Ontario Labour Relations Board during the fiscal year 1991-92.

Table 1: Total Applications and Complaints Received, Disposed of and Pending, Fiscal Year 1991-92.

Table 2: Applications and Complaints Received and Disposed of, Fiscal Years 1987-88 to 1991-92.

Table 3: Labour Relations Officer Activity in Cases Processed, Fiscal Year 1991-92.

Table 4: Labour Relations Officer Settlements in Cases Disposed of Fiscal Year 1991-92.

Table 5: Results of Representation Votes Conducted, Fiscal Year 1991-92.

Table 6: Results of Representation Votes in Cases Disposed of, Fiscal Year 1991-92.

Table 7: Time Required to Process Applications and Complaints Disposed of, by Major Type of Case, Fiscal Year 1991-92.

Table 7a: Comparison of Median Time Required to Process Applications and Complaints Disposed Of, Fiscal Years 1991-92/1990-91 and Comparison of Percentage of Dispositions Accomplished in 84 Days (3 Months) or less, Fiscal Years 1991-92/1990-91.

Table 8: Union Distribution of Certification Applications Received and Disposed of, Fiscal Year 1991-92.

Table 9: Industry Distribution of Certification Applications Received and Disposed of, Fiscal Year 1991-92.

Table 10: Size of Bargaining Units in Certification Applications Granted, Fiscal Year 1991-92.

Table 11: Time Required to Process Certification Applications Granted, Fiscal Year 1991-92.

Table 12: Employment Status of Employees in Bargaining Units Certified, by Industry, Fiscal Year 1991-92.

Table 13: Employment Status of Employees in Bargaining Units Certified, by Union, Fiscal Year 1991-92.

Table 14: Occupational Groups in Bargaining Units Certified, by Industry, Fiscal Year 1991-92.

Table 15: Occupational Groups in Bargaining Units Certified,  
by Union, Fiscal Year 1991-92.

Type of Case	Caseload			Disposed of Fiscal Year 1991-92						Sine Die	Pending March 31, 1992
	Total	Pending April 1, 1991	Received Fiscal Year 1991-92	Total	Granted*	Dismissed	Terminated	Withdrawn	Settled		
<b>Total</b>	<b>5072</b>	<b>902</b>	<b>4170</b>	<b>3041</b>	<b>909</b>	<b>322</b>	<b>20</b>	<b>120</b>	<b>1670</b>	<b>1007</b>	<b>1024</b>
CERTIFICATION OF BARGAINING AGENTS	1289	197	1092	988	660	301	0	52	175	63	238
DECLARATION OF TERMINATION OF BARGAINING RIGHTS	166	33	133	121	35	25	3	8	50	3	42
DECLARATION OF SUCCESSION TRADE UNION	5	2	3	3	1	1	0	1	0	0	2
DECLARATION OF SUCCESSION EMPLOYER OR COMMON EMPLOYER STATUS	319	81	238	148	36	14	0	2	96	80	91
APPLICATION UNDER SUCCESSOR RIGHTS (GROWN TRANSFERS)	33	20	13	2	2	0	0	0	0	13	18
RECOGNITION	2	2	0	1	0	1	0	0	0	0	1
DECLARATION OF UNLAWFUL STRIKE	2	2	0	0	0	0	0	0	0	0	2
DIRECTION RESPECTING UNLAWFUL STRIKE	30	3	27	9	2	1	0	4	2	18	3
DIRECTION RESPECTING UNLAWFUL LOCKOUT	8	2	6	3	0	0	0	0	3	1	4
CONSENT TO PROSECUTE	4	2	2	1	0	1	0	0	0	1	2
CONTRAVENTION OF ACT	1191	303	888	752	32	115	2	21	582	160	279
RIGHT OF ACCESS	1	0	1	1	1	0	0	0	0	0	0
EXEMPTION FROM UNION SECURITY PROVISION IN COLLECTIVE AGREEMENT	8	0	8	5	1	0	0	0	4	1	2
EARLY TERMINATION OF COLLECTIVE AGREEMENT	23	5	18	20	7	1	12	0	0	0	3
TRADE UNION FINANCIAL STATEMENT	9	2	7	7	0	1	0	0	6	1	1
JURISDICTIONAL DISPUTE	79	28	51	19	0	4	0	15	0	11	49
REFERRAL ON EMPLOYEE STATUS	72	29	43	49	3	20	2	5	19	5	18



## ONTARIO LABOUR RELATIONS BOARD

Annual Report - Table 1

Total Applications and Complaints Received, Disposed of and Pending  
Fiscal Year 1991-92

Type of Case	Caseload			Disposed of Fiscal Year 1991-92								Sine Die	Pending March 31, 1992
	Total	Pending April 1, 1991	Received Fiscal Year 1991-92	Total	Granted*	Dismissed	Terminated	Withdrawn	Settled				
Total	5072	902	4170	3041	909	322	20	120	1670	1007	1024		
REFERRAL FROM MINISTER ON APPOINTMENT OF CONCILIATION OFFICER OR ARBITRATOR	6	2	4	6	3	1	0	2	0	0	0		
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	1650	160	1490	793	106	19	0	5	663	634	223		
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	108	24	84	66	3	10	0	0	53	8	34		
ENVIRONMENTAL PROTECTION ACT	1	1	0	1	1	0	0	0	0	0	0		
COMPLAINT UNDER THE SMOKING IN THE WORKPLACE ACT	1	0	1	1	0	0	0	0	1	0	0		
FIRST AGREEMENT ARBITRATION DIRECTION	39	3	36	28	12	0	1	2	13	3	8		
ARBITRATION PROVISION	5	0	5	3	1	0	0	2	0	2	0		
DETERMINATION OF SECTOR OF CONSTRUCTION WORK	3	0	3	2	0	0	0	1	1	0	1		
FINAL OFFER VOTE	16	0	16	11	3	7	0	0	1	2	3		
MISCELLANEOUS	2	1	1	1	0	0	0	0	1	1	0		

\* Includes cases in which a request was granted or a determination made by the Board.  
For Final Offer Votes, granted indicates that offer was accepted and dismissed indicates a rejection.

## ONTARIO LABOUR RELATIONS BOARD

Annual Report - Table 2

Applications and Complaints Received and Disposed of Fiscal Years 1987-88 to 1991-92											
Type of Case	Number Received, Fiscal Year					Number Disposed of, Fiscal Year					
	Total 1987-88 1988-89 1989-90 1990-91 1991-92					Total 1987-88 1988-89 1989-90 1990-91 1991-92					
Total	17753	3583	3,225	3287	3488	4170	14493	3112	2856	2799	3041
CERTIFICATION OF BARGAINING AGENTS	4840	1125	938	910	775	1092	4693	1108	944	880	773
DECLARATION OF TERMINATION OF BARGAINING RIGHTS	765	159	177	167	129	133	747	133	209	132	152
DECLARATION OF SUCCESSOR TRADE UNION	106	77	8	13	5	3	107	54	24	23	3
DECLARATION OF SUCCESSOR EMPLOYER OR COMMON EMPLOYER STATUS	1055	185*	237*	201*	194	238	697	144*	140*	143*	122
APPLICATION UNDER SUCCESSOR RIGHTS (CROWN TRANSFERS)	22	-	-	-	9	13	65	-	-	-	63
ACCREDITATION	7	1	6	-	0	0	8	1	2	1	3
DECLARATION OF UNLAWFUL STRIKE	23	4	5	11	3	0	20	2	4	8	6
DECLARATION OF UNLAWFUL LOCKOUT	8	1	2	-	5	0	7	-	2	1	4
DIRECTION RESPECTING UNLAWFUL STRIKE	225	46	54	59	39	27	137	33	39	36	20
DIRECTION RESPECTING UNLAWFUL LOCKOUT	27	3	1	5	12	6	19	2	1	4	9
CONSENT TO PROSECUTE	25	9	4	5	5	2	21	5	9	3	3
CONTRAVENTION OF ACT	4243	868	787	817	883	888	3646	734	751	700	709
RIGHT OF ACCESS	13	7	2	1	2	1	26	19	3	1	2
EXEMPTION FROM UNION SECURITY PROVISION IN COLLECTIVE AGREEMENT	43	3	14	13	5	8	37	1	12	11	8
EARLY TERMINATION OF COLLECTIVE AGREEMENT	95	22	12	27	16	18	95	22	13	27	13

Annual Report - Table 2

Applications and Complaints Received and Disposed of  
Fiscal Years 1987-88 to 1991-92

Type of Case	Number Received, Fiscal Year										Number Disposed of, Fiscal Year				
	Total 1987-88	1988-89	1989-90	1990-91	1991-92	Total 1987-88	1988-89	1989-90	1990-91	1991-92	Total 1987-88	1988-89	1989-90	1990-91	1991-92
<b>Total</b>	<b>17753</b>	<b>3583</b>	<b>3225</b>	<b>3287</b>	<b>3488</b>	<b>4170</b>	<b>14493</b>	<b>3112</b>	<b>2856</b>	<b>2685</b>	<b>2799</b>	<b>3041</b>			
TRADE UNION FINANCIAL STATEMENT	36	7	8	5	9	7	34	3	10	6	8	7			
JURISDICTIONAL DISPUTE	176	35	30	27	33	51	115	17	23	30	26	19			
REFERRAL ON EMPLOYEE STATUS	292	75	65	55	54	43	279	68	62	59	41	49			
REFERRAL FROM MINISTER ON APPOINTMENT OF CONCILIATION OFFICER OR ARBITRATOR	16	5	3	2	2	4	16	5	4	-	1	6			
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	5137	865	739	881	1162	1490	3241	671	529	549	699	793			
REFERRAL FROM MINISTER ON CONSTRUCTION BARGAINING AGENCY	2	1	-	-	1	0	2	1	-	1	0	0			
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	411	64	110	63	90	84	325	72	53	55	79	66			
ENVIRONMENTAL PROTECTION ACT	4	-	-	2	2	0	6	-	1	1	3	1			
COMPLAINT UNDER THE SMOKING IN THE WORKPLACE ACT	1	-	-	-	-	1	1	-	-	-	-	1			
FIRST AGREEMENT ARBITRATION DIRECTION	119	20	20	21	22	36	102	16	20	13	25	28			
ARBITRATION PROVISION	15	1	1	-	8	5	12	1	1	1	6	3			
DETERMINATION OF SECTOR OF CONSTRUCTION WORK	10	-	2	2	3	3	5	-	-	-	3	2			
FINAL OFFER VOTE	34	-	-	-	18	16	28	-	-	-	17	11			
MISCELLANEOUS	3	-	-	-	2	1	2	-	-	-	1	1			

\*Includes applications under Successor Rights (Crown Transfers)

## Annual Report - Table 3

Labour Relations Officer Activity in Cases Processed \*  
Fiscal Year 1991-92

Type of Case	Cases in Which Activity Completed						
	Total Cases Assigned	Settled			Referred to Board	Sine Die Pending	
		Total	Number	Percent			
Total	3,246	1,893	1,650	87.2	243	742	611
CERTIFICATION OF BARGAINING AGENTS	847	636	514	80.8	122	35	176
Interim certificate	21	6	2	33.3	4	3	12
Pre-hearing application	104	73	70	95.9	3	1	30
Other application	722	557	442	79.4	115	31	134
CONTRAVENTION OF ACT	804	488	435	89.1	53	100	216
REFERRAL ON EMPLOYEE STATUS	29	20	18	90.0	2	3	6
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	1,480	699	638	91.3	61	598	183
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	85	49	44	89.8	5	6	30
COMPLAINT UNDER THE SMOKING IN THE WORKPLACE ACT	1	1	1	100.0	0	0	0

\* Includes all cases assigned to labour relations officers, which may or may not have been disposed of by the end of the year.



## Annual Report - Table 4

Labour Relations Officer Settlements in Cases Disposed of \*  
Fiscal Year 1991-92

Type of Case	Total Disposed of	Officer Settlements	
		Number	Percent of Dispositions
Total	1662	1315	79.1
CONTRAVENTION OF ACT	752	582	77.4
REFERRAL ON EMPLOYEE STATUS	49	19	38.8
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	793	660	83.2
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	66	53	80.3
ENVIRONMENTAL PROTECTION ACT	1	0	0.0
COMPLAINT UNDER THE SMOKING IN THE WORKPLACE ACT	1	1	100.0

\* Includes only cases in which labour relations officers play the leading role in the processing of the case. The figures refer to cases disposed of during the year and should not be confused with data for the same types of cases in Table 3. Table 3 refers to new assignments of cases made to labour relations officers during the year which may or may not have been disposed of by the end of the year.

## Annual Report - Table 5

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**Results of Representation Votes Conducted \***  
**Fiscal Year 1991-92**


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Type of Case	Number of Votes	Eligible Employees	Ballots Cast	
			Total	In Favour of Unions
Total	160	12858	9126	5525
Certification	109	11033	7634	4753
Pre-hearing cases				
One union	40	5,309	3,315	1,648
Two unions	28	3,782	2,895	2,399
Construction cases				
One union	1	4	4	2
Two unions	1	27	25	25
Regular cases				
One union	38	1,903	1,387	671
Two unions	1	8	8	8
Termination of Bargaining Rights				
One union	44	988	886	232
Successor Employer				
One union	2	70	59	7
Two unions	5	767	547	533

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\* Refers to all representation votes conducted and the results counted during the fiscal year, regardless of whether or not the case was disposed of during the year.

Annual Report - Table 6

Results of Representation Votes in Cases Disposed of \*  
Fiscal Year 1991-92

Type of Case	Number of Votes			Eligible Votes			All Ballots Cast			Ballots Cast in Favour of Unions		
	Appl. Appl.			In Votes			In Votes			In Votes		
	Total	Won	Lost	Total	Won	Lost	Total	Won	Lost	Total	Won	Lost
Total	173	110	63	15331	10675	4656	11397	7610	3787	7577	5625	1952
Certification	111	63	48	12438	8671	3767	9060	6007	3053	5972	4538	1434
Pre-hearing cases												
One union	38	22	16	4,922	3,711	1,211	3,373	2,199	1,174	1,653	1,355	298
Two unions	31	18	13	5,308	3,515	1,793	4,005	2,803	1,202	3,476	2,569	907
Construction cases												
One union	2	0	2	7	0	7	7	0	7	2	0	2
Two unions	1	0	1	27	0	27	25	0	25	25	0	25
Regular cases												
One union	38	22	16	2,166	1,437	729	1,642	997	645	808	606	202
Two unions	1	1	0	8	8	0	8	8	0	8	8	0
Termination												
One union	47	39	8	982	734	248	881	662	219	225	164	61
Successor Employer												
One union	2	0	2	70	0	70	59	0	59	7	0	7
Two unions	11	7	4	1,277	988	289	995	740	255	971	722	249
Three unions	2	1	1	564	282	282	402	201	201	402	201	201

\* Refers to final representation votes conducted in cases disposed of during the fiscal year. This table should not be confused with Table 5 which refers to all representation votes conducted during the year regardless of whether or not the case was disposed of during the year.

Annual Report - Table 7

Time Required to Process Applications and Complaints Disposed of, by Major Type of Case, Fiscal Year 1991-92

Time Taken (Calendar Days)	All Cases			Certification Cases			Section 89 Cases			Section 124 Cases			All Other Cases		
	Dispo- sitions	Cumu- lative Percent		Dispo- sitions	Cumu- lative Percent		Dispo- sitions	Cumu- lative Percent		Dispo- sitions	Cumu- lative Percent		Dispo- sitions	Cumu- lative Percent	
Total	3041	100.0		988	100.0		752	100.0		793	100.0		508	100.0	
Under 8 days .....	138	4.5		13	1.3		50	6.6		60	7.6		15	3.0	
8-14 days .....	437	18.9		63	7.7		35	11.3		320	47.9		19	6.7	
15-21 days .....	372	31.1		149	22.8		61	19.4		123	63.4		39	14.4	
22-28 days .....	338	42.3		199	42.9		54	26.6		42	68.7		43	22.8	
29-35 days .....	218	49.4		92	52.2		57	34.2		38	73.5		31	28.9	
36-42 days .....	213	56.4		47	57.0		85	45.5		34	77.8		47	38.2	
43-49 days .....	170	62.0		64	63.5		54	52.7		23	80.7		29	43.9	
50-56 days .....	138	66.6		61	69.6		30	56.6		19	83.1		28	49.4	
57-63 days .....	114	70.3		51	74.8		23	59.7		18	85.4		22	53.7	
64-70 days .....	100	73.6		47	79.6		29	63.6		12	86.9		12	56.1	
71-77 days .....	72	76.0		21	81.7		21	66.4		10	88.1		20	60.0	
78-84 days .....	53	77.7		20	83.7		11	67.8		5	88.8		17	63.4	
85-91 days .....	48	79.3		18	85.5		13	69.5		7	89.7		10	65.4	
92-98 days .....	37	80.5		10	86.5		11	71.0		4	90.2		12	67.7	
99-105 days .....	37	81.7		12	87.8		12	72.6		6	90.9		7	69.1	
106-126 days .....	82	84.4		16	89.4		32	76.9		8	91.9		26	74.2	
127-147 days .....	62	86.5		13	90.7		20	79.5		9	93.1		20	78.1	
148-168 days .....	53	88.2		11	91.8		23	82.6		6	93.8		13	80.7	
Over 168 days .....	359	100.0		81	100.0		131	100.0		49	100.0		98	100.0	



## Annual Report - Table 7(A)

Comparison Of Median Time Required To Process Applications And Complaints Disposed Of, By Major Type Of Case, Fiscal Year 1991-92/1990-91										
Fiscal Year	All Cases		Certification Cases		Section 89 Cases		Section 124 Cases		All Other Cases	
	Dispo- sitions	Median Time Taken (Calendar Days)	Dispo- sitions	Median Time Taken (Calendar Days)	Dispo- sitions	Median Time Taken (Calendar Days)	Dispo- sitions	Median Time Taken (Calendar Days)	Dispo- sitions	Median Time Taken (Calendar Days)
1991-92	3041	36	988	33	752	46	793	15	508	57
1990-91	2799	45	773	46	709	52	699	21	618	82
Comparison Of Percentage Of Dispositions Accomplished In 84 Days (3 Months) Or Less, Fiscal Year 1991-92/1990-91										
Fiscal Year	All Cases		Certification Cases		Section 89 Cases		Section 124 Cases		All Other Cases	
	Dispo- sitions	Cumulative Percent	Dispo- sitions	Cumulative Percent	Dispo- sitions	Cumulative Percent	Dispo- sitions	Cumulative Percent	Dispo- sitions	Cumulative Percent
1991-92	2363	77.7%	827	83.7%	510	67.8%	704	88.8%	322	63.4%
1990-91	1967	70.3%	568	73.5%	479	67.6%	605	86.6%	315	51.0%

## Annual Report - Table 8

Union Distribution of Certification Applications Received and Disposed of  
Fiscal Year 1991-92

Union	Number of Applications Received	Number of Applications Disposed of			
		Total	Certi- fied	Dismis- sed**	With- drawn
All Unions	1091	987	659	101	227
CLC Affiliates *	445	414	293	47	74
AUTO WORKERS	1	1	1	0	0
BAKERY AND TOBACCO WORKERS	3	2	0	0	2
BREWERY AND SOFT DRINK WORKERS	10	10	5	3	2
CANADIAN AUTO WORKERS	14	17	13	2	2
CANADIAN PAPERWORKERS	3	5	4	1	0
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	57	59	44	8	7
CLC DIRECTLY CHARTERED	1	0	0	0	0
CLOTHING AND TEXTILE WORKERS	5	5	3	0	2
COMMUNICATIONS-ELECTRICAL WKRS.	4	3	3	0	0
ELECTRICAL WORKERS (UE)	1	1	0	0	1
ENERGY AND CHEMICAL WORKERS	8	8	5	0	3
FOOD AND COMMERCIAL WORKERS	57	43	24	4	15
GRAPHIC COMMUNICATION UNION	6	6	6	0	0
HOTEL EMPLOYEES	57	56	46	6	4
LADIES GARMENT WORKERS	1	2	2	0	0
MACHINISTS	4	4	4	0	0
NEWSPAPER GUILD	2	3	2	1	0
OFFICE AND PROFESSIONAL EMPLOYEES	11	8	7	0	1
ONTARIO PUBLIC SERVICE EMPLOYEES	33	35	31	2	2
RAILWAY, TRANSPORT AND GENERAL WORKERS	3	4	2	1	1
RETAIL WHOLESALE EMPLOYEES	45	31	20	5	6
RUBBER WORKERS	2	2	1	0	1
SERVICE EMPLOYEES INTERNATIONAL	33	36	23	3	10
THEATRICAL STAGE EMPLOYEES	6	2	1	1	0
TRANSIT UNION (INTL.)	3	6	4	1	1
TYPOGRAPHICAL UNION	4	3	3	0	0
UNITED GARMENT WORKERS	1	1	1	0	0
UNITED STEELWORKERS	46	40	28	6	6
UNITED TEXTILE WORKERS	14	13	3	2	8
WOODWORKERS	10	8	7	1	0

\* Canadian Labour Congress.

\*\* Includes cases that were terminated.

## Annual Report - Table 8

Union Distribution of Certification Applications Received and Disposed of  
Fiscal Year 1991-92

Union	Number of Applications Received	Number of Applications Disposed of			
		Total	Certi- fied	Dismis- sed**	With- drawn
Non-CLC Affiliates	646	573	366	54	153
ALLIED HEALTH PROFESSIONALS	1	1	1	0	0
ASBESTOS WORKERS	1	0	0	0	0
BOILERMAKERS	3	5	2	0	3
BRICKLAYERS INTERNATIONAL	100	79	64	3	12
CANADIAN SECURITY UNION	4	2	2	0	0
CARPENTERS	47	46	20	8	18
CHRISTIAN LABOUR ASSOCIATION	12	10	7	1	2
ELECTRICAL WORKERS (IBEW)	32	34	19	7	8
INDEPENDENT LOCAL UNION	11	12	7	0	5
INTERNATIONAL OPERATING ENGINEERS	31	22	14	1	7
LABOURERS	250	214	123	16	75
OCCASIONAL TEACHERS ASSOCIATION	1	1	1	0	0
ONTARIO ENGLISH CATHOLIC TEACHERS	2	2	2	0	0
ONTARIO NURSES ASSOCIATION	20	13	8	2	3
ONTARIO PUBLIC SCHOOL TEACHERS	32	32	30	1	1
PAINTERS	17	20	11	3	6
PLANT GUARD WORKERS	16	14	12	1	1
PLASTERERS	4	4	0	2	2
PLUMBERS	10	11	8	2	1
PRACTICAL NURSES FEDERATION OF ONTARIO	5	3	3	0	0
SHEET METAL WORKERS	9	9	5	2	2
STRUCTURAL IRON WORKERS	6	5	3	1	1
SUDBURY MINE WORKERS	1	2	2	0	0
TEAMSTERS	31	32	22	4	6

\* Canadian Labour Congress.

\*\* Includes cases that were terminated.

## Annual Report - Table 9

Industry Distribution of Certification Applications Received and Disposed of  
Fiscal Year 1991-92

Industry	Number of Applications Received	Number of Applications Disposed of			
		Total	Certi- fied	Dismis- sed**	With- drawn
All Industries	1092	988	660	101	227
Manufacturing	149	149	91	22	36
CHEMICALS	5	5	2	1	2
CLOTHING	3	3	2	0	1
ELECTRICAL PRODUCTS	6	7	3	0	4
FABRICATED METALS	10	15	9	3	3
FOOD, BEVERAGES	39	36	19	5	12
FURNITURE, FIXTURES	7	8	6	1	1
MACHINERY	8	9	8	0	1
NON-METALLIC MINERALS	3	3	2	0	1
OTHER MANUFACTURING	12	12	7	3	2
PAPER	8	6	3	3	0
PETROLEUM, COAL	4	4	4	0	0
PRIMARY METALS	9	5	3	1	1
PRINTING, PUBLISHING	16	12	11	1	0
RUBBER, PLASTICS	4	4	1	2	1
TEXTILES	1	2	1	0	1
TOBACCO PRODUCTS	1	0	0	0	0
TRANSPORTATION EQUIPMENT	10	15	7	2	6
WOOD	3	3	3	0	0
Non-Manufacturing	943	839	569	79	191
ACCOMODATION, FOOD SERVICES	82	77	55	7	15
CONSTRUCTION	457	398	251	36	111
EDUCATION, RELATED SERVICES	48	51	50	1	0
ELECTRIC, GAS, WATER	7	7	5	1	1
HEALTH, WELFARE SERVICES	155	148	107	16	25
LOCAL GOVERNMENT	16	13	9	1	3
MANAGEMENT SERVICES	7	10	4	0	6
MINING, QUARRYING	3	4	4	0	0
OTHER SERVICES	63	55	32	5	18
PERSONAL SERVICES	5	5	4	0	1

\*\* Includes cases that were terminated.



## Annual Report - Table 9

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 Industry Distribution of Certification Applications Received and Disposed of  
 Fiscal Year 1991-92
 

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Industry	Number of Applications Received	Number of Applications Disposed of			
		Total	Certi- fied	Dismis- sed**	With- drawn
Non-Manufacturing	943	839	569	79	191
REAL ESTATE, INSURANCE AGENCIES	7	5	4	0	1
RECREATIONAL SERVICES	9	5	4	1	0
RETAIL TRADE	44	29	18	6	5
TRANSPORTATION	28	18	14	3	1
WHOLESALE TRADE	12	14	8	2	4

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 \*\* Includes cases that were terminated.

## Annual Report - Table 10

Size of Bargaining Units in Certification Applications Granted  
Fiscal Year 1991-92

Employee Size*	Total		Construction**		Non-Construction	
	Number of Appli- cations	Number of Em- ployees	Number of Appli- cations	Number of Em- ployees	Number of Appli- cations	Number of Em- ployees
Total	660	20,831	249	1,855	411	18,976
2-9 employees	270	1,391	186	940	84	451
10-19 employees	149	1,977	52	644	97	1,333
20-39 employees	96	2,592	10	230	86	2,362
40-99 employees	109	6,257	1	41	108	6,216
100-199 employees	25	3,311	0	0	25	3,311
200-499 employees	6	1,771	0	0	6	1,771
500 employees or more	5	3,532	0	0	5	3,532

\* Refers to the total number of employees in one or more bargaining units certified in an application. A total of 736 bargaining units were certified in the 660 applications in which certification was granted.

\*\* Refers to cases processed under the construction industry provisions of the Act. This figure should not be confused with the figure in Table 9, which includes all applications involving construction employers whether processed under the construction industry provisions of the Act or not.

Annual Report - Table 11

Time Required to Process Certification Applications Granted \*  
Fiscal Year 1991-92

Calendar Days (including adjournments requested by the parties)	Total Certified		Non-Construction		Construction	
	Number	Cumulative Percent	Number	Cumulative Percent	Number	Cumulative Percent
Total	660	100.0	411	100.0	249	100.0
Under 8 days .....	0	0.0	0	0.0	0	0.0
8-14 days .....	4	0.6	3	0.7	1	0.4
15-21 days .....	94	14.8	79	20.0	15	6.4
22-28 days .....	163	39.5	129	51.3	34	20.1
29-35 days .....	78	51.4	49	63.3	29	31.7
36-42 days .....	36	56.8	15	66.9	21	40.2
43-49 days .....	51	64.5	17	71.0	34	53.8
50-56 days .....	37	70.2	11	73.7	26	64.3
57-63 days .....	40	76.2	12	76.6	28	75.5
64-70 days .....	35	81.5	11	79.3	24	85.1
71-77 days .....	13	83.5	10	81.8	3	86.3
78-84 days .....	11	85.2	8	83.7	3	87.6
85-91 days .....	7	86.2	6	85.2	1	88.0
92-98 days .....	9	87.6	7	86.9	2	88.8
99-105 days .....	6	88.5	4	87.8	2	89.6
106-126 days .....	11	90.2	11	90.5	0	89.6
127-147 days .....	5	90.9	4	91.5	1	90.0
148-168 days .....	8	92.1	5	92.7	3	91.2
Over 168 days .....	52	100.0	30	100.0	22	100.0

\* Refers only to applications in which certification was granted. This table should not be confused with Table 7 which refers to all certification applications disposed of during the year regardless of the method of disposition.

Annual Report - Table 12

Employment Status of Employees in Bargaining Units Certified by Industry  
Fiscal Year 1991-92

Industry	All Units		Full-time		Part-time		Full-time & Part-time		All Employees No Exclusion Specified	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Industries	736	20,831	140	5,729	65	1,563	32	1,956	499	11,583
Manufacturing	94	4,418	31	1,146	6	203	13	837	44	2,232
FOOD, BEVERAGES	19	951	6	146	1	170	0	0	12	635
RUBBER, PLASTICS	1	40	1	40	0	0	0	0	0	0
TEXTILES	1	44	0	0	0	0	0	0	1	44
CLOTHING	2	123	1	121	0	0	0	0	0	2
WOOD	3	98	1	8	0	0	1	5	1	85
FURNITURE, FIXTURES	6	291	4	160	0	0	2	131	0	0
PAPER	3	43	2	37	0	0	0	0	1	6
PRINTING, PUBLISHING	13	172	6	127	3	25	0	0	4	20
PRIMARY METALS	3	56	0	0	0	0	1	23	2	33
FABRICATED METALS	9	290	1	90	0	0	3	146	5	54
MACHINERY	8	250	2	123	0	0	2	58	4	69
TRANSPORTATION EQUIPMENT	8	739	1	155	0	0	3	442	4	142
ELECTRICAL PRODUCTS	3	40	1	2	0	0	0	0	2	38
NON-METALLIC MINERALS	2	19	0	0	0	0	0	0	2	19
PETROLEUM, COAL	4	18	2	10	2	8	0	0	0	0
CHEMICALS	2	13	0	0	0	0	0	0	2	13
OTHER MANUFACTURING	7	1,231	3	127	0	0	1	32	3	1,072
Non-Manufacturing	642	16,413	109	4,583	59	1,360	19	1,119	455	9,351
MINING, QUARRYING	4	952	3	848	0	0	1	104	0	0
TRANSPORTATION	14	287	4	75	1	7	0	0	9	205
ELECTRIC, GAS, WATER	5	88	2	43	0	0	1	26	2	19
WHOLESALE TRADE	8	228	6	147	0	0	1	19	1	62



Annual Report - Table 12

Employment Status of Employees in Bargaining Units Certified by Industry  
Fiscal Year 1991-92

Industry	All Units		Full-time		Part-time		Full-time & Part-time		All Employees No Exclusion Specified	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Industries	736	20,831	140	5,729	65	1,563	32	1,956	499	11,583
RETAIL TRADE	21	585	10	103	1	15	0	0	10	467
REAL ESTATE, INSURANCE AGENCIES	4	23	1	10	2	10	1	3	0	0
EDUCATION, RELATED SERVICES	55	4,755	14	1,436	8	456	1	325	32	2,538
HEALTH, WELFARE SERVICES	129	4,180	33	1,053	37	697	8	434	51	1,996
RECREATIONAL SERVICES	4	60	0	0	1	23	0	0	3	37
MANAGEMENT SERVICES	4	127	3	103	0	0	0	0	1	24
PERSONAL SERVICES	4	55	1	14	0	0	0	0	3	41
ACCOMODATION, FOOD SERVICES	61	2,068	9	223	6	93	0	0	46	1,752
OTHER SERVICES	32	874	13	406	1	49	5	198	13	221
LOCAL GOVERNMENT	12	172	5	79	2	10	1	10	4	73
CONSTRUCTION	285	1,959	5	43	0	0	0	0	280	1,916

Annual Report - Table 13

Employment Status of Employees in Bargaining Units Certified by Union  
Fiscal Year 1991-92

Union	All Units		Full-time		Part-time		Full-time & Part-time		All Employees No Exclusion Specified	
	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.
All Unions	734	20,817	140	5,729	65	1,563	32	1,956	497	11,569
CLC	328	12,767	99	3,820	54	1,151	19	968	156	6,828
AUTO WORKERS	1	5	1	5	0	0	0	0	0	0
BREWERY AND SOFT DRINK WORKERS	6	137	3	90	1	15	1	11	1	21
CANADIAN AUTO WORKERS	14	1,910	6	431	0	0	2	420	6	1,059
CANADIAN PAPERWORKERS	4	106	1	62	0	0	1	30	2	14
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	51	2,062	11	294	14	389	1	24	25	1,355
CLOTHING AND TEXTILE WORKERS	3	154	2	131	0	0	1	23	0	0
COMMUNICATIONS-ELECTRICAL WKRS.	3	59	1	22	0	0	0	0	2	37
ENERGY AND CHEMICAL WORKERS	5	39	2	10	2	8	0	0	1	21
FOOD AND COMMERCIAL WORKERS	30	835	15	183	5	232	0	0	10	420
GRAPHIC COMMUNICATION UNION	6	201	3	139	0	0	1	46	2	16
HOTEL EMPLOYEES	47	1,817	3	133	2	33	0	0	42	1,651
LADIES GARMENT WORKERS	2	98	1	19	0	0	1	79	0	0
MACHINISTS	4	33	2	21	0	0	0	0	2	12
NEWSPAPER GUILD	3	38	2	36	1	2	0	0	0	0
OFFICE AND PROFESSIONAL EMPLOYEES	7	86	0	0	0	0	3	44	4	42
ONTARIO PUBLIC SERVICE EMPLOYEES	43	1,162	16	479	15	252	2	45	10	386
RAILWAY, TRANSPORT AND GENERAL WORKERS	2	40	0	0	0	0	1	22	1	18
RETAIL WHOLESALE EMPLOYEES	20	703	7	139	0	0	0	0	13	564
RUBBER WORKERS	1	30	1	30	0	0	0	0	0	0
SERVICE EMPLOYEES INTERNATIONAL	26	676	7	307	10	166	0	0	9	203
THEATRICAL STAGE EMPLOYEES	1	16	0	0	0	0	0	0	1	16
TRANSIT UNION (INTL.)	4	66	2	42	0	0	0	0	2	24
TYPOGRAPHICAL UNION	4	60	2	37	2	23	0	0	0	0
UNITED GARMENT WORKERS	1	2	0	0	0	0	0	0	1	2

## ONTARIO LABOUR RELATIONS BOARD

## Annual Report - Table 13

Employment Status of Employees in Bargaining Units Certified by Union  
Fiscal Year 1991-92

Union	All Units		Full-time		Part-time		Full-time & Part-time		All Employees No Exclusion Specified	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Unions	734	20,817	140	5,729	65	1,563	32	1,956	497	11,569
UNITED STEELWORKERS	30	1,851	9	1,195	2	31	5	224	14	401
UNITED TEXTILE WORKERS	3	135	0	0	0	0	0	0	3	135
WOODWORKERS	7	446	2	15	0	0	0	0	5	431
Non-CLC	406	8,050	41	1,909	11	412	13	988	341	4,741
ALLIED HEALTH PROFESSIONALS	1	5	0	0	0	0	0	0	1	5
BOILERMAKERS	2	39	0	0	0	0	1	37	1	2
BRICKLAYERS INTERNATIONAL	91	518	2	20	0	0	0	0	89	498
CANADIAN SECURITY UNION	2	40	1	8	0	0	0	0	1	32
CARPENTERS	21	231	1	56	0	0	0	0	20	175
CHRISTIAN LABOUR ASSOCIATION	8	103	1	12	1	20	0	0	6	71
ELECTRICAL WORKERS (IBEW)	20	684	3	59	0	0	1	285	16	340
INDEPENDENT LOCAL UNION	7	86	1	3	0	0	0	0	6	83
INTERNATIONAL OPERATING ENGINEERS	15	252	1	13	0	0	0	0	14	239
LABOURERS	126	989	8	90	0	0	3	54	115	845
OCCASIONAL TEACHERS ASSOCIATION	1	152	0	0	0	0	0	0	1	152
ONTARIO ENGLISH CATHOLIC TEACHERS	2	168	2	168	0	0	0	0	0	0
ONTARIO NURSES ASSOCIATION	11	437	4	204	3	53	0	0	4	180
ONTARIO PUBLIC SCHOOL TEACHERS	31	3,343	6	1,084	2	309	1	325	22	1,625
PAINTERS	11	69	0	0	0	0	0	0	11	69
PLANT GUARD WORKERS	13	185	5	54	5	30	2	96	1	5
PLUMBERS	8	69	0	0	0	0	0	0	8	69
PRACTICAL NURSES FEDERATION OF ONTARIO	3	107	0	0	0	0	0	0	3	107
SHEET METAL WORKERS	6	35	0	0	0	0	0	0	6	35

## ONTARIO LABOUR RELATIONS BOARD

## Annual Report - Table 13

Employment Status of Employees in Bargaining Units Certified by Union  
Fiscal Year 1991-92

Union	All Units		Full-time		Part-time		Full-time & Part-time		All Employees No Exclusion Specified	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====
All Unions	734	20,817	140	5,729	65	1,563	32	1,956	497	11,569
=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====
STRUCTURAL IRON WORKERS	3	30	0	0	0	0	0	0	3	30
SUDBURY MINE WORKERS	2	27	1	17	0	0	1	10	0	0
TEAMSTERS	22	481	5	121	0	0	4	181	13	179



## ONTARIO LABOUR RELATIONS BOARD

## Annual Report - Table 14

Occupational Groups in Bargaining Units Certified by Industry  
Fiscal Year 1991-92

	All Groups		Production & Related		Office Clerical & Technical		Professional		Sales		Other	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
All Industries	736	20,831	576	13,625	64	2,415	39	2,560	2	37	55	2,194
-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
Manufacturing	94	4,418	74	3,732	9	82	0	0	1	26	10	578
FOOD, BEVERAGES	19	951	16	909	0	0	0	0	1	26	2	16
RUBBER, PLASTICS	1	40	1	40	0	0	0	0	0	0	0	0
TEXTILES	1	44	1	44	0	0	0	0	0	0	0	0
CLOTHING	2	123	2	123	0	0	0	0	0	0	0	0
WOOD	3	98	2	93	0	0	0	0	0	0	1	5
FURNITURE, FIXTURES	6	291	4	218	0	0	0	0	0	0	2	73
PAPER	3	43	1	28	2	15	0	0	0	0	0	0
PRINTING, PUBLISHING	13	172	5	59	5	62	0	0	0	0	3	51
PRIMARY METALS	3	56	3	56	0	0	0	0	0	0	0	0
FABRICATED METALS	9	290	9	290	0	0	0	0	0	0	0	0
MACHINERY	8	250	8	250	0	0	0	0	0	0	0	0
TRANSPORTATION EQUIPMENT	8	739	6	306	0	0	0	0	0	0	2	433
ELECTRICAL PRODUCTS	3	40	2	38	1	2	0	0	0	0	0	0
NON-METALLIC MINERALS	2	19	2	19	0	0	0	0	0	0	0	0
PETROLEUM, COAL	4	18	4	18	0	0	0	0	0	0	0	0
CHEMICALS	2	13	2	13	0	0	0	0	0	0	0	0
OTHER MANUFACTURING	7	1,231	6	1,228	1	3	0	0	0	0	0	0
-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
Non-Manufacturing	642	16,413	502	9,893	55	2,333	39	2,560	1	11	45	1,616
MINING, QUARRYING	4	952	3	127	1	825	0	0	0	0	0	0
TRANSPORTATION	14	287	12	265	1	13	1	9	0	0	0	0
ELECTRIC, GAS, WATER	5	88	3	45	1	30	0	0	0	0	1	13
WHOLESALE TRADE	8	228	5	121	1	10	0	0	0	0	2	97

## ONTARIO LABOUR RELATIONS BOARD

Annual Report - Table 14

Occupational Groups in Bargaining Units Certified by Industry  
Fiscal Year 1991-92

	All Groups		Production & Related		Office Clerical & Technical		Professional		Sales		Other	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
=====	736	20,831	576	13,625	64	2,415	39	2,560	2	37	55	2,194
All Industries												
=====												
RETAIL TRADE	21	585	11	336	3	22	0	0	1	11	6	216
REAL ESTATE, INSURANCE AGENCIES	4	23	3	15	0	0	0	0	0	0	1	8
EDUCATION, RELATED SERVICES	55	4,755	19	1,882	13	661	17	1,996	0	0	6	216
HEALTH, WELFARE SERVICES	129	4,180	68	2,393	23	598	21	555	0	0	17	634
RECREATIONAL SERVICES	4	60	3	51	1	9	0	0	0	0	0	0
MANAGEMENT SERVICES	4	127	4	127	0	0	0	0	0	0	0	0
PERSONAL SERVICES	4	55	3	44	1	11	0	0	0	0	0	0
ACCOMMODATION, FOOD SERVICES	61	2,068	54	1,852	2	14	0	0	0	0	5	202
OTHER SERVICES	32	874	26	714	4	110	0	0	0	0	2	50
LOCAL GOVERNMENT	12	172	4	53	4	30	0	0	0	0	4	89
CONSTRUCTION	285	1,959	284	1,868	0	0	0	0	0	0	1	91

Annual Report - Table 15

Occupational Groups in Bargaining Units Certified by Union  
Fiscal Year 1991-92

	All Groups		Production & Related		Office Clerical & Technical		Professional		Sales		Other	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====
All Unions	734	20,817	574	13,611	64	2,415	39	2,560	2	37	55	2,194
=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====
CLC	328	12,767	207	8,227	55	1,877	15	659	2	37	49	1,967
AUTO WORKERS	1	5	1	5	0	0	0	0	0	0	0	0
BREWERY AND SOFT DRINK WORKERS	6	137	4	92	0	0	0	0	0	0	2	45
CANADIAN AUTO WORKERS	14	1,910	11	1,443	2	56	0	0	0	0	1	411
CANADIAN PAPERWORKERS	4	106	3	100	1	6	0	0	0	0	0	0
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	51	2,062	28	919	16	389	1	503	0	0	6	251
CLOTHING AND TEXTILE WORKERS	3	154	2	144	1	10	0	0	0	0	0	0
COMMUNICATIONS-ELECTRICAL WKRS.	3	59	0	0	3	59	0	0	0	0	0	0
ENERGY AND CHEMICAL WORKERS	5	39	4	18	1	21	0	0	0	0	0	0
FOOD AND COMMERCIAL WORKERS	30	835	23	745	1	6	3	26	1	26	2	32
GRAPHIC COMMUNICATION UNION	6	201	6	201	0	0	0	0	0	0	0	0
HOTEL EMPLOYEES	47	1,817	41	1,607	1	8	0	0	0	0	5	202
LADIES GARMENT WORKERS	2	98	2	98	0	0	0	0	0	0	0	0
MACHINISTS	4	33	0	0	3	20	0	0	0	0	1	13
NEWSPAPER GUILD	3	38	0	0	3	38	0	0	0	0	0	0
OFFICE AND PROFESSIONAL EMPLOYEES	7	86	1	9	1	6	1	9	0	0	4	62
ONTARIO PUBLIC SERVICE EMPLOYEES	43	1,162	13	441	10	122	7	104	0	0	13	495
RAILWAY, TRANSPORT AND GENERAL WORKERS	2	40	1	18	0	0	0	0	0	0	1	22
RETAIL WHOLESALE EMPLOYEES	20	703	13	586	1	4	0	0	1	11	5	102
RUBBER WORKERS	1	30	1	30	0	0	0	0	0	0	0	0
SERVICE EMPLOYEES INTERNATIONAL	26	676	17	393	5	264	2	5	0	0	2	14
THEATRICAL STAGE EMPLOYEES	1	16	1	16	0	0	0	0	0	0	0	0
TRANSIT UNION (INTL.)	4	66	3	53	1	13	0	0	0	0	0	0

Annual Report - Table 15

Occupational Groups in Bargaining Units Certified by Union  
Fiscal Year 1991-92

	All Groups		Production & Related		Office Clerical & Technical		Professional		Sales		Other	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====
All Unions	734	20,817	574	13,611	64	2,415	39	2,560	2	37	55	2,194
=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====
TYPOGRAPHICAL UNION	4	60	0	0	1	9	0	0	0	0	3	51
UNITED GARMENT WORKERS	1	2	1	2	0	0	0	0	0	0	0	0
UNITED STEELWORKERS	30	1,851	23	914	4	846	1	12	0	0	2	79
UNITED TEXTILE WORKERS	3	135	3	135	0	0	0	0	0	0	0	0
WOODWORKERS	7	446	5	258	0	0	0	0	0	0	2	188
=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====
Non-CLC	406	8,050	367	5,384	9	538	24	1,901	0	0	6	227
=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====
ALLIED HEALTH PROFESSIONALS	1	5	0	0	0	0	1	5	0	0	0	0
BOILERMAKERS	2	39	2	39	0	0	0	0	0	0	0	0
BRICKLAYERS INTERNATIONAL	91	518	91	518	0	0	0	0	0	0	0	0
CANADIAN SECURITY UNION	2	40	2	40	0	0	0	0	0	0	0	0
CARPENTERS	21	231	20	140	0	0	0	0	0	0	1	91
CHRISTIAN LABOUR ASSOCIATION	8	103	8	103	0	0	0	0	0	0	0	0
ELECTRICAL WORKERS (IBEW)	20	684	18	652	2	32	0	0	0	0	0	0
INDEPENDENT LOCAL UNION	7	86	5	53	0	0	2	33	0	0	0	0
INTERNATIONAL OPERATING ENGINEERS	15	252	14	148	1	104	0	0	0	0	0	0
LABOURERS	126	989	126	989	0	0	0	0	0	0	0	0
OCCASIONAL TEACHERS ASSOCIATION	1	152	0	0	0	0	1	152	0	0	0	0
ONTARIO ENGLISH CATHOLIC TEACHERS	2	168	0	0	0	0	2	168	0	0	0	0
ONTARIO NURSES ASSOCIATION	11	437	2	8	0	0	9	429	0	0	0	0
ONTARIO PUBLIC SCHOOL TEACHERS	31	3,343	14	1,741	4	387	9	1,114	0	0	4	101
PAINTERS	11	69	11	69	0	0	0	0	0	0	0	0
PLANT GUARD WORKERS	13	185	13	185	0	0	0	0	0	0	0	0



Annual Report - Table 15

Occupational Groups in Bargaining Units Certified by Union  
Fiscal Year 1991-92

	All Groups		Production & Related		Office Clerical & Technical		Professional		Sales		Other	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Unions	734	20,817	574	13,611	64	2,415	39	2,560	2	37	55	2,194
PLUMBERS	8	69	8	69	0	0	0	0	0	0	0	0
PRACTICAL NURSES FEDERATION OF ONTARIO	3	107	3	107	0	0	0	0	0	0	0	0
SHEET METAL WORKERS	6	35	6	35	0	0	0	0	0	0	0	0
STRUCTURAL IRON WORKERS	3	30	3	30	0	0	0	0	0	0	0	0
SUDBURY MINE WORKERS	2	27	1	17	1	10	0	0	0	0	0	0
TEAMSTERS	22	481	20	441	1	5	0	0	0	0	1	35



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# ONTARIO LABOUR RELATIONS BOARD

## ANNUAL REPORT 1992-93 1993-94





## ONTARIO LABOUR RELATIONS BOARD

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<i>Alternate Chair</i>	R.O. MacDOWELL
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<i>Registrar</i>	T.A. INNISS
<i>Deputy Registrar</i>	P. GRENIER

<i>Board Solicitors</i>	R. LEBI
	K.A. MacDONALD

# ONTARIO LABOUR RELATIONS BOARD

## ANNUAL REPORT

1992-93  
1993-94





## **CHAIR'S MESSAGE**

*This period has been an interesting and eventful one for the Board. Significant changes in both labour relations and labour legislation have highlighted the importance of the Board's role in providing an impartial and stable forum for dispute resolution. At the same time, the economic climate has made it necessary to maximize the efficient use of Board resources.*

*In this environment, the Board has taken the initiative to establish a more dynamic relationship with the labour relations community, strengthen communication, streamline its procedures, increase accessibility, and explore innovative ways of providing timely and effective mediation and adjudication. Examples of some of these changes include:*

- \* the creation and fine-tuning of new, easier to read Rules of Procedure and forms reflecting increased emphasis on early and complete disclosure, and promoting expedition in the scheduling and conduct of hearings;*
- \* the establishment of a fast track for hearings to reduce delays and accommodate statutory time-lines;*
- \* the development of a series of rules and forms workshops around Ontario to ease the transition period and familiarize both lawyers and labour practitioners with the changes in scheduling, rules, and forms;*
- \* the formation of a Litigation Committee consisting of fourteen management and labour side law firms with whom the Board has worked closely on a series of practice issues;*
- \* the creation of an active continuing education program to hone and polish the skills of the Board's adjudicators, mediators, and staff;*



- \* *the updating and expansion of a number of publications including the Board's newsletter, Highlights, the Guide to the Labour Relations Act, and various pamphlets;*
- \* *the development of an exchange program between the Board's field services, the Ministry of Labour's Office of Mediation, and private sector employers and unions;*
- \* *the expanded use of alternative hearing options, including electronic and paper hearings;*
- \* *the organization of the Board into internal administrative teams.*

*I have also had the pleasure of meeting with a wide variety of employer and labour groups to get the benefit of their views and provide them with current information about new developments at the Board.*

*The last two years have also been a time of significant progress with respect to a number of areas at the Board, most notably in eliminating backlogs and expediting hearings. This would not have been possible without the energy and dedication of those at the Board, as well as many people in the labour relations community who have given generously of their time and expertise. We have also had the assistance of a number of new members of the Board and staff who have brought us a sound balance of labour, management, and other perspectives, together with their extensive qualifications and experience.*

*There is more work to be done, however, including exploring the range of mediation and adjudication options available to parties, continuing the dialogue on revitalising tripartism, making broader use of case and hearing management techniques, and developing further initiatives to make the Board more accessible. As we enter a new fiscal year, the Board faces the ongoing challenge of providing speedy and accessible administrative justice in a sophisticated legal environment.*

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## I NEW INITIATIVES

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### A. THE NEW RULES OF PROCEDURE

The Board's current Rules of Procedure were developed in the fall of 1992, both to accommodate and integrate new amendments to the *Labour Relations Act* and to update the rules generally. Within the confines of the limited time available, the Board tried to utilize a review process which maximized both internal consensus and external consultation with the labour relations community. The general content of the rules was developed by a group of four internal teams consisting of Vice-Chairs, labour and management Board members, Solicitors, and administrative staff. At the same time, the Board also invited representatives from sixty-five law firms to meet and provide their views as to what the rules should contain.

Based on these two sources of recommendations, the rules were drafted and then reviewed in detail, first by the internal teams and then by a committee of labour and management counsel from ten of the major law firms which practice before the Board. After incorporating the revisions suggested by these groups, the rules were reviewed by the Statutory Powers Procedure Act Rules Committee and revised once again. Following receipt of an effective date, the rules were published in The Ontario Gazette (Vol. 125-51) as O. Reg. 724, and the rules and forms were distributed widely both on disk and in booklet form. The Board then held a series of rules and forms workshops around Ontario to assist lawyers and labour law practitioners in familiarizing themselves with the changes.

Generally speaking, the Board has tried to make the new rules as simple as possible in their organization and language, and yet retain the precision required in the judicialized climate of labour law. It was not always possible to accommodate both of those goals, and in some cases it was necessary to arrive at a balance emphasizing one or the other to some degree. The language also reflects certain compromises between labour and management, and some historical anomalies which the Board was not prepared to eliminate at that time, given the degree of rapid change that the labour relations community was experiencing. The rules also promote early and complete disclosure by the parties, an approach urged upon us by counsel to minimize difficulties caused by insufficient or untimely information. In addition, the need to reduce or eliminate litigation delays with their corrosive effect on labour relations meant that the new rules were directed towards facilitating expedition in the scheduling and conduct of hearings. Finally, the rules also reflect the necessity in this economic climate of using the Board's limited resources as productively and efficiently as possible.

Because the rules were developed quickly and in some instances involved new areas for the Board, it was anticipated that they would require some fine-tuning after a period of experience. In the spring of 1993, the Board invited submissions from approximately



seven hundred members of the community in regard to any aspect of the Board's rules, forms, and procedure. The Board's Rules Monitoring Team consisting of management and labour Board members, Vice-Chairs, Solicitors, and administrative staff are now reviewing those submissions. In addition, work is proceeding on revising the Board's practice notes.

## **B. COMMUNITY EDUCATION**

In the course of developing the new rules, it became apparent from discussions with counsel and adjudicators that expedition, fairness, and the efficient use of resources in the hearing process necessitated greater emphasis on early disclosure. At the same time, the Board strives to provide a forum for dispute resolution which is less formal than the courts. In attempting to balance these important principles, the Board required a greater degree of pre-hearing disclosure in the written material to be filed, and then conducted a number of workshops around Ontario to familiarize both laypeople and lawyers with the new rules and forms. Some of those workshops were divided into two parts, consisting of basic information provided by the Chair or Vice-Chairs in the morning, with a panel discussion of more complex practice issues in the afternoon. The panels consisted of counsel who practiced before the Board, with Vice-Chairs acting as moderators. The following counsel gave generously of their time and effort in this regard:

*Bruce Binning*  
*Marc Bode*  
*Michael Mitchell*  
*Pauline Pasieka*  
*David Jewitt*  
*Michael Ruddy*  
*Russell Zinn*  
*Bernie Fishbein*  
*Fred Hamilton*  
*Elizabeth McIntyre*

*Mathews, Dinsdale & Clark*  
*Bode & Tom*  
*Sack, Goldblatt, Mitchell*  
*Winkler, Fillion & Wakely*  
*Raven, Jewitt & Allen*  
*Rasmussen, Starr & Ruddy*  
*Zinn, Hofley*  
*Koskie & Minsky*  
*Hicks Morley Hamilton Stewart & Storie*  
*Cavalluzzo, Hayes & Shilton*

Because of the popularity of these workshops, the Board is currently exploring other types of community education.

## **C. THE FAST TRACK**

The Board's scheduling system, developed at a time when most hearings were less than a day, was not designed to handle the lengthier litigation of the nineties. As a result, the Board found that serious delays were occurring in many of its proceedings. Because expedition is critical in much of the litigation that comes before the Board, and in response to new legislation which included statutory deadlines and certain types of proceedings which are urgent by nature, such as interim relief, the Board initiated a number of important changes to its method of scheduling in January, 1993. The most important of these involved the

creation of a "fast track" system into which the following types of cases are streamed:

- \* applications for interim relief under section 92.1 of the Act;
- \* expedited unfair labour practice complaints under section 92.2 of the Act;
- \* complaints with respect to unlawful strikes or lock-outs under sections 94, 95 and 137 of the Act;
- \* applications and complaints with respect to replacement workers under sections 73.1 and 73.2 of the Act;
- \* applications and complaints with respect to organizing and picketing on property to which the public normally has access under section 11.1 of the Act;
- \* jurisdictional dispute complaints under section 93 of the Act;
- \* applications for certification and for termination of bargaining rights;
- \* applications for a direction for first contract arbitration under section 41 of the Act;
- \* applications and complaints alleging unlawful discipline or discharge under the *Occupational Health and Safety Act*, the *Environmental Protection Act*, the *Smoking in the Workplace Act*, the *Colleges Collective Bargaining Act*, and under sections 65, 67, 71, 81, 81.2, or 82 of the *Labour Relations Act*;
- \* applications under section 41.1 of the Act with respect to adjustment plans;
- \* applications under section 81.1 of the Act with respect to continuation of employment benefits during a strike or lock-out, and;
- \* applications under sections 138.2 to 138.5 of the Act with respect to the relationship between local trade unions and their parent unions in the construction industry.

These proceedings commence within various periods of time after the application is filed, depending on the nature of the case. For example, an illegal strike application may commence within 24 to 48 hours, an interim relief application may be heard within three working days, and a certification case may begin three weeks after filing. However, once these cases start, they will generally be heard day after day, Monday to Thursday, until they are completed.

#### **D. CONTINUING EDUCATION**

As part of a lively continuing education program, the Board has been fortunate to have a number of distinguished guest speakers address adjudicators, officers, and administrative staff on a variety of subjects. These have included Harry Arthurs ("The

Limits of Law in Shaping the Industrial Relations System"), Mr. Justice Horace Krever, Judge Brent Knazan, and Paula Knopf ("Management of Hearings I"), Gary Yee, Mary McCormick, Phyllis Gordon, and Joy Fontaine ("Multiculturalism Issues in Adjudication"), Kenneth Swan ("Essential Services Adjudication"), James Hayes and Martin Teplitsky ("Seniority List Adjudication"), Stewart Saxe and James Nyman ("Adjustment Plan Bargaining"), and Kevin Burkett and Doug Gray ("Management of Hearings II").

## **E. THE LITIGATION COMMITTEE**

The Board's Litigation Committee was established to provide a forum in which practice issues can be discussed by the Board and counsel. It plays a vital role in giving the Board the benefit of the expertise and perspective of counsel, and in strengthening communication and mutual understanding. The committee has been particularly valuable because of the number of practice changes necessary in this period, and the input of committee members has been essential to the soundness and responsiveness of those changes. Topics at meetings have included rules and forms, scheduling of cases, disclosure and filing requirements, exhibit returns, adjournments, the need for new hearing facilities, the use of Labour Relations Officers in fact-finding, alternatives to examinations, and voter eligibility dates. Lawyers from the following firms and organizations contributed time and effort to the Litigation Committee:

*Cavalluzzo, Hayes & Shilton*  
*Sack, Goldblatt, Mitchell*  
*United Steelworkers of America*  
*Hicks, Morley, Hamilton*  
*Filion, Wakely*  
*Mathews, Dinsdale*  
*Emond, Harnden*  
*Caley & Wray*  
*Stringer, Brisbin, Humphrey*  
*Koskie & Minsky*  
*Jesin & Watson*  
*Fraser & Beatty*  
*Ryder, Whitaker, Wright*  
*McCarthy, Tetrault*  
*Raven, Jewitt & Allen*  
*Gowling, Strathy & Henderson*  
*Genest, Murray, Desbrisay, Lamek*  
*Heenan Blaikie*

## **F. ELECTRONIC AND PAPER HEARINGS**

In the interests of both accessibility and the efficient use of resources, the Board has expanded its use of telephone hearings, particularly for adjournments or brief preliminary matters, and continues to explore the use of video-conferencing and other electronic facilities.

In addition, new legislation has allowed the Board to hold consultations rather than hearings on jurisdictional disputes. The consultations involve the filing of extensive written material in advance, and then brief, informal hearings which generally do not involve the calling of oral evidence. The result has been a dramatic reduction in the length of jurisdictional dispute cases.

Similarly, because of the expedition required in interim relief cases, the Board has required the filing of written evidentiary material in the form of declarations. Brief oral hearings are then held for submissions, although some matters have been determined without oral hearings as contemplated by the *Labour Relations Act* and the Board's Rules of Procedure.

## **G. ORGANIZATIONAL TEAMS**

The Board has now established a number of internal organizational teams which typically include Vice-Chairs, Board members, the Registrar or Deputy Registrar, the Manager of Field Services, Labour Relations Officers, Solicitors, administrative support staff, and the Chair and Alternate Chair. These groups currently identify and discuss issues, problems, new initiatives, and improvements in the areas of scheduling, rules and forms, continuing education, relocation, public sector transition, community education, and general administrative matters.

## **H. MEDIATOR EXCHANGE PROGRAMME**

The Board continually strives to ensure that its Labour Relations Officers are on the cutting edge of the mediation field. In addition to ongoing "in-house" training activities, the Board participates in a Mediator Exchange Programme with the Ministry of Labour's Office of Mediation. Labour Relations Officers have the opportunity to spend six months with the Office of Mediation, gaining exposure to labour relations disputes and dispute resolution techniques in a somewhat different context. Exchanges with unions and employers in the private sector will be taking place in the near future.



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## II WINDOW ON THE BOARD'S OPERATIONS

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The Board is an independent tribunal with a reputation for excellence in administrative justice. It mediates and adjudicates a wide variety of disputes under a number of different statutes, including:

- \* *School Boards and Teachers Collective Negotiations Act*, R.S.O. 1990, c. S.2
- \* *Colleges Collective Bargaining Act*, R.S.O. 1990, c. C.15
- \* *Occupational Health and Safety Act*, R.S.O. 1990, c. O.7
- \* *Environmental Protection Act*, R.S.O. 1990, c. E.19 which gives the Board jurisdiction under the following legislation:
  - \* *Environmental Assessment Act*, R.S.O. 1990, c. E.18
  - \* *Environmental Protection Act*, R.S.O. 1990, c. E.19
  - \* *Ontario Water Resources Act*, R.S.O. 1990, c. O.40
  - \* *Pesticides Act*, R.S.O. 1990, c. P.11
  - \* *Fisheries Act*, R.S.C. 1970, c. F-14
- \* *Smoking in the Workplace Act*, R.S.O. 1990, c. S.13
- \* *Hospital Labour Disputes Arbitration Act*, R.S.O. 1990, c. H.14
- \* *Public Service Act*, R.S.O. 1990, c. P.47
- \* *Crown Employees Collective Bargaining Act, 1993*, S.O. 1993, c. 38
- \* *Environmental Bill of Rights*, S.O. 1993, c. 28
- \* *Successor Rights (Crown Transfers) Act*, R.S.O. 1990, c. S.27

The Board's primary work is administering the *Labour Relations Act*, which regulates many aspects of collective bargaining in Ontario. The legislative policy underlying the Act is set out in section 2.1:

1. To ensure that workers can freely exercise the right to organize by protecting the right of employees to choose, join and be represented by a trade union of their choice and to participate in the lawful activities of the trade union.

2. To encourage the process of collective bargaining so as to enhance,
  - (i) the ability of employees to negotiate terms and conditions of employment with their employer,
  - (ii) the extension of co-operative approaches between employers and trade unions in adapting to changes in the economy, developing work force skills and promoting workplace productivity, and
  - (iii) increased employee participation in the workplace.
3. To promote harmonious labour relations, industrial stability and the ongoing settlement of differences between employers and trade unions.
4. To provide for effective, fair and expeditious methods of dispute resolution.

With this policy as a basis, the Act confers on the Board the authority over many important aspects of labour relations, including the certification of unions to represent employees, unfair labour practices, picketing and organizing, successor bargaining rights, strikes and lock-outs, first contract directions, jurisdictional disputes, and the arbitration of grievances in the construction industry. In order to carry out this mandate, the full Board is composed of a Chair, an Alternate Chair, 21 full-time and 6 part-time Vice-Chairs, and 34 full-time and part-time Board members. These are highly qualified individuals who draw upon specialized expertise in labour relations in hearing and determining cases before them. The Board strives to keep its procedures informal, expeditious and fair, and to avoid being overly technical or legalistic.

Under section 108(1) of the *Labour Relations Act*, the Board has the exclusive jurisdiction to exercise the power conferred upon it and to determine all questions of fact or law that arise. Its decisions are not subject to appeal and a privative clause in the Act limits the scope of judicial review. The Board does have the power to reconsider any of its decisions, although it exercises this jurisdiction carefully in the interests of finality and fairness.

The Board is also entitled to determine its own practices and procedures, and to make rules. Those rules and the forms for commencing or responding to cases are available from the Board at 400 University Avenue, Toronto, Ontario, M7A 1V4, in both paper form and computer disk.

Apart from its adjudicative function, the Board's operations can be broadly divided into administrative staff, field services, and legal services.

## **ADMINISTRATIVE STAFF**

### ***Registrar's Section***

The Registrar is the chief administrative officer of the Board. Her staff includes a Deputy Registrar, two assistants, and three administrative secretaries.

The Registrar, through the Deputy Registrar and the Manager of Operations, supervises the Board's processing sections which process applications filed with the Board in accordance with the Board's Rules of Procedure. Every application received by the Board enters the system through the Registrar's office. Cases are scheduled by the Registrar in consultation with the Manager of Field Services, the Board solicitors, and the Chair. The Registrar supervises the effective and speedy processing of each case, and communicates with the parties in matters relating to the scheduling of hearings or on particular problems in the processing of any given case.

### ***Manager of Administration***

The Manager of Administration is responsible for the co-ordination and efficient operation of the Board through the management of the budget, human resources functions, library, and the provision of administrative direction and common services.

### ***Library Services***

The Ontario Labour Relations Board Library employs a staff of 3, including a full-time manager. The Library staff provides research services for the Board and assists other library users. The Board Library maintains a collection of approximately 1200 texts, 65 journals, and 40 case reports in the areas of industrial relations, labour, contract, evidence, constitutional, and administrative law. The library has approximately 5,000 volumes.

The library staff is responsible for continually updating a full-text on-line database of the Board's decisions, which is offered to the public by QL Systems Ltd., and has also compiled a manual index to the Bargaining Units certified by the Board since 1980 by union name and subject. Other resources include a series of bibliographies on various topics in the field of labour relations, a file of judicial reviews of Board decisions, and a vertical file of information on such subjects as the history of the Ontario *Labour Relations Act*, the Board, and its members.

## **FIELD SERVICES**

The Board has been a pioneer in the area of alternative dispute resolution. The Manager of Field Services, together with three Senior Labour Relations Officers and 20 Labour Relations Officers, are responsible for mediating settlements in the Board's

cases. In significant measure, due to their efforts approximately 80% of the Board's cases are determined by agreement rather than by adjudication. In addition to settling cases, Labour Relations Officers assist parties in identifying issues and streamlining the cases that do get adjudicated in order to avoid unnecessary litigation. They also conduct representation votes and examinations. Through ongoing in-house training and exchanges with the Office of Mediation and private sector employers and unions, Labour Relations Officers are kept on the forefront of developments in the mediation field.

## ***LEGAL SERVICES***

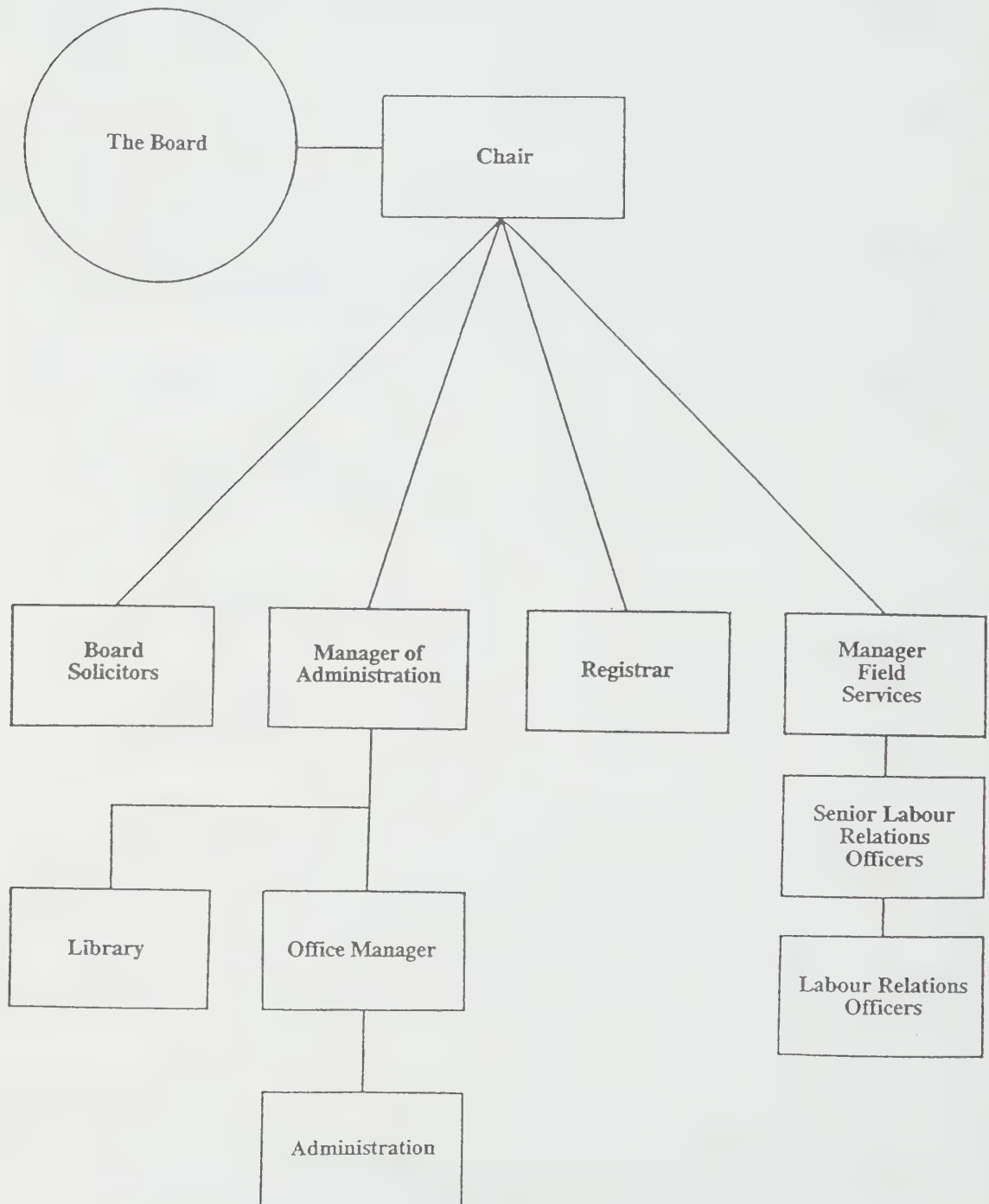
Legal Services to the Board are provided by the Solicitors' Office, which currently consists of two Board Solicitors who report directly to the Chair, and two articling students. The Solicitors provide legal research, advice, opinions, and memoranda to the Chair, Vice-Chairs, Board members, Labour Relations Officers, and administrative staff on a variety of issues. They are extensively involved in changes to the Board's rules of procedure and forms and contribute to the continuing education of staff. The Board's Solicitors also represent the Board in court, for example, in applications for judicial review.

The Solicitors' Office is responsible for all of the Board's publications, and one of the Solicitors is the Editor of the Ontario Labour Relations Board Reports.



The following is an abbreviated organizational chart of the Ontario Labour Relations Board.

***ABBREVIATED ORGANIZATIONAL CHART***



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### III MEMBERS OF THE BOARD

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During the years under review, the Board consisted of the following members:

*Judith McCormack, Chair*

Judith McCormack was appointed the Chair of the Ontario Labour Relations Board in September of 1992. Her educational background includes undergraduate work at Simon Fraser University and an LL.B. from Osgoode Hall Law School in 1976. Upon her call to the Bar in 1978, she practised labour law for the next eight years, first with a Toronto law firm and later as an in-house counsel. In 1986 she received her LL.M. in labour law from Osgoode Hall Law School. Ms. McCormack became a Vice-Chair of the Board in 1986 and worked in that capacity for six years until her appointment as the Chair. She is an experienced adjudicator and has arbitrated, lectured and authored articles in the field of labour law. Her most recent publication is "First Contract Arbitration in Ontario: A Glance at Some of the Issues".

*Richard (Rick) MacDowell, Alternate Chair*

Mr. MacDowell's educational background includes a B.A. (Honours) in Economics from the University of Toronto (1969), an M.Sc. (with Distinction) in Economics from the London School of Economics and Political Science (1970), and an LL.B. from the University of Toronto Law School (1974). He has been associated with the University of Toronto as a lecturer in industrial relations with the Department of Political Economy since 1971 and with the School of Graduate Studies since 1976. A former Senior Solicitor

of the Board, Mr. MacDowell was appointed to his present position of Vice-Chair in 1979. He is an experienced arbitrator and has served as a mediator in school board-teacher negotiations. Mr. MacDowell also has several publications relating to labour relations to his credit. He has been Alternate Chair since 1987.

*Michael Bendel, Vice-Chair*

Mr. Bendel joined the Board as a part-time Vice-Chair in September 1987. He is a graduate of the University of Manchester, England (LL.B., 1966) and the University of Ottawa (LL.B., 1975). Mr. Bendel was a legal officer with the International Labour Office, Geneva, Switzerland, from 1966 to 1969. From 1969 to 1974, he was employed by the Professional Institute of the Public Service of Canada (Ottawa) in various capacities, including in-house counsel and negotiator. Following his call to the Bar of Ontario in 1977, he was appointed professor in the Common Law Section, Faculty of Law, University of Ottawa, where he taught various labour law and other law courses at the undergraduate and graduate levels until 1984. In 1984, Mr. Bendel was appointed Deputy Chairman of the Public Service Staff Relations Board (Ottawa), where he was responsible for the interest arbitration function under the *Public Service Staff Relations Act* and where he also acted as grievance arbitrator. Upon resigning from that Board in August 1987, he entered private practice as a labour arbitrator. In addition to

his arbitration practice and his part-time Vice-Chair position, Mr. Bendel is currently a part-time member of the Public Service Staff Relations Board. He is the author of several articles on labour law subjects in law journals.

*Jules Bloch, Vice-Chair*

Mr. Bloch's educational background includes a B.A. (Honours) in Political Economy from the University of Toronto (1980) and an LL.B. from the University of Windsor Law School (1984). Mr. Bloch is bilingual and practiced law in the specialized field of labour relations both in Ottawa and Toronto. Between 1986 and 1990, Mr. Bloch was counsel for the Labourers International Union of North America. He has been a sessional lecturer in labour law at both the community college and the university level. Prior to being appointed Vice-Chair of the Ontario Labour Relations Board in 1991, Mr. Bloch served as Vice-Chair of the Criminal Injuries Compensation Board. As well, he is an experienced arbitrator and mediator, has been a contributing editor of the *National Labour Review*, and has written numerous articles on Labour Relations.

*Pamela Chapman, Vice-Chair*

Ms. Chapman was appointed to the Board as a Vice-Chair in November, 1993. She is a graduate of the University of Toronto (B.A. 1983) and of Osgoode Hall Law School (LL.B. 1986). After her call to the Bar in 1988, she practiced law in Toronto, first as an associate in the labour relations group at a large firm, and then as a partner in a small firm specializing in labour and administrative law. Ms. Chapman has been published in the *Osgoode Hall Law Journal*.

*Louisa M. Davie, Vice-Chair*

Ms. Davie was appointed a Vice-Chair of the Board in April, 1988. She is a graduate of Wilfrid Laurier University, Waterloo, (B.A. 1977) and the University of Western Ontario (LL.B. 1980). After her call to the Ontario Bar in 1982, Ms. Davie was a law clerk to the Chief Justice of the High Court of Justice. After her tenure as law clerk, she practised labour and employment law with a Toronto law firm until her appointment to the Board. Ms. Davie has lectured in the Masters of Business Administration Program, McMaster University, Hamilton, and also acts as an arbitrator and mediator.

*Nimal V. Dissanayake, Vice-Chair*

A former Senior Solicitor of the Board, Mr. Dissanayake was appointed a part-time Vice-Chair of the Board in July, 1987. He holds the degrees of LL.B. and LL.M. from Queen's University, Kingston. After serving his period of law articles with the Board, Mr. Dissanayake was called to the Ontario Bar in 1980. Prior to joining the Board as a Solicitor, he taught at the Faculty of Business, McMaster University, Hamilton, as Assistant Professor of Industrial Relations between 1978 and 1980. Since December 1987, he has served as a Vice-Chair of the Grievance Settlement Board and is also engaged in adjudication as a private arbitrator and referee under the *Employment Standards Act*.

*Diane Gee, Vice-Chair*

Ms. Gee was appointed to the Board as a Vice-Chair in January, 1994. She did her undergraduate work at the University of Toronto (B.A. 1983) and graduated with an LL.B. from Osgoode Hall Law School in

1986. Upon her call to the Ontario Bar in 1988, Ms. Gee practised labour law. She has also taught courses in the area of labour law at Ryerson Polytechnical Institute.

*Russell Goodfellow, Vice-Chair*

Mr. Goodfellow's educational background includes an LL.B. and a B.A. from the University of Western Ontario, and an LL.M. from the University of Cambridge in the area of public law. He served as a law clerk to the Justices of the High Court of Ontario after his call to the Bar, and then practised labour law in the federal and provincial sectors until his appointment to the Board in 1993.

*Owen V. Gray, Vice-Chair*

Mr. Gray joined the Board as a Vice-Chair in October, 1983. He is a graduate of Queen's University, Kingston (B.Sc. Hons., 1971) and the University of Toronto (LL.B. 1974). After his call to the Ontario Bar in 1976, Mr. Gray practised law with a Toronto law firm until his appointment to the Board. He is also an experienced arbitrator.

*Bram Herlich, Vice-Chair*

Mr. Herlich was appointed to the Board as a Vice-Chair in October 1989. He is a graduate of McGill University (B.A. 1972, M.A. 1977) and Osgoode Hall Law School (LL.B. 1982). Prior to joining the Board, he practised labour law with a Toronto firm and also acted as in-house counsel.

*Robert J. Herman, Vice-Chair*

Mr. Herman was appointed a Vice-Chair of

the Board in November, 1985, and was at that time a Solicitor for the Board. He is a graduate of the University of Toronto (B.Sc. 1972, LL.B. 1976) and received his LL.M. from Harvard University in 1984. Mr. Herman has taught courses in various areas of law, both at Ryerson Polytechnical Institute and the Faculty of Law, University of Toronto, and also acts as an arbitrator.

*Robert D. Howe, Vice-Chair*

Mr. Howe was appointed to the Board as a part-time Vice-Chair in February, 1980 and became a full-time Vice-Chair effective June 1, 1981. He graduated with an LL.B. (gold medallist) from the Faculty of Law, University of Windsor in 1972 and was called to the Bar in 1974. From 1972 to 1977 he was a law professor of the Faculty of Law, University of Windsor. From 1977 until his appointment to the Board, he practised law as an associate of a Windsor law firm while continuing to teach on a part-time basis at the Faculty of Law as a special lecturer in labour law and labour arbitration. Mr. Howe is an experienced arbitrator, referee, fact-finder and mediator. During May-August, 1984, Mr. Howe served as Chair of the Board in an acting capacity.

*M. Kaye Joachim, Vice-Chair*

Ms. Joachim was appointed a Vice-Chair of the Board in September, 1993. Her educational background includes two years undergraduate work in the Faculty of Arts at the University of Ottawa (1980-82) and a Bachelor of Law degree from Osgoode Hall Law School (LL.B. 1985). After her call to the Bar in 1987, she acted as Tribunal Counsel to the Workers' Compensation Appeals Tribunal and then as Counsel to the Ontario Human Rights Commission, until her appointment to the Board.



***Janice Johnston, Vice-Chair***

Ms. Johnston joined the Labour Relations Board as a Vice-Chair in September, 1990. She graduated with a B.A. in History from Wilfrid Laurier University, and then obtained her LL.B. from the University of Western Ontario Law School. After her call to the Bar in 1981, Ms. Johnston practised labour law as in-house counsel. Ms. Johnston comes to the Board with extensive experience in public sector labour relations.

***Brian Keller, Vice-Chair***

Mr. Keller joined the Board as a part-time Vice-Chair in September, 1988. He is a graduate of Sir George Williams University (B.A. 1968) and the University of Ottawa (L.L.L. 1971). From 1983 until August 1988 he was a Vice-Chairman of the Canada Labour Relations Board. Mr. Keller currently acts as a private arbitrator and mediator.

***Paula Knopf, Vice-Chair***

Ms. Knopf joined the Board as a part-time Vice-Chair in August, 1984. She graduated with a B.A. from the University of Toronto in (1972), and an LL.B. from Osgoode Hall Law School (1975). Upon her call to the Ontario Bar in 1977, she practised law with a Toronto law firm briefly before commencing her own private practice with emphasis in the area of labour relations. A former member of the faculty of Osgoode Hall Law School, Ms. Knopf is an experienced fact-finder, mediator and arbitrator.

***Sherry Liang, Vice-Chair***

Ms. Liang joined the Board as a Vice-Chair in

September of 1991. She studied Political Science at Queen's University, Kingston (B.A. 1981) and is also a graduate of the University of Toronto (LL.B. 1985). After her call to the Ontario Bar in 1987, Ms. Liang was a law clerk to the Chief Justice of the High Court of Justice in Ontario, after which she spent several years practicing labour and employment law and civil litigation with a Toronto firm until her appointment to the Board.

***Gail Misra, Vice-Chair***

Ms. Misra was appointed to the Board as a Vice-Chair in January, 1994. She is a graduate of Wilfrid Laurier University (B.A. 1986) and Osgoode Hall Law School (LL.B. 1989). Prior to joining the Board she practised labour law with a Toronto law firm.

***Marilyn Nairn, Vice-Chair***

Ms. Nairn was appointed as a Vice-Chair to the Board in July, 1989. She is a graduate of the University of Winnipeg (B.A. Econ., 1977) and the University of Ottawa (LL.B. Cum Laude, 1980). Upon her call to the Bar she practised labour law until joining the Board as Solicitor in 1987. Ms. Nairn teaches Union-Management Relations at Ryerson Polytechnical Institute, has lectured in labour relations at George Brown College and York University, and acts as a private arbitrator and mediator.

***Kathleen O'Neil, Vice-Chair***

Ms. O'Neil, a graduate of the University of Toronto (B.A. 1972) and Osgoode Hall Law School (LL.B. 1977), was a Vice-Chair of the Workers' Compensation Appeals Tribunal

prior to her appointment to the Board in January, 1988. She has also worked as an arbitrator, has had a private practice in nursing and labour relations law, worked as staff lawyer to nurses' and teachers' associations, served as a member of the Ontario Crown Employees Grievance Settlement Board, and chaired the justice committee of the National Action Committee on the Status of Women.

***Ken Petryshen, Vice-Chair***

Mr. Petryshen was appointed a Vice-Chair in June, 1986. He is a graduate of the University of Saskatchewan, Regina (B.A. Hons., 1972) and Queen's University, Kingston (LL.B. 1976). After articling with the Ontario Labour Relations Board and after his call to the Bar in 1978, Mr. Petryshen practised law as a staff lawyer for the Teamsters Joint Council, No. 52. Prior to his appointment as a Vice-Chair, Mr. Petryshen was a Board Solicitor.

***Norman B. Satterfield, Vice-Chair***

Mr. Satterfield joined the Labour Relations Board in October, 1975, as a part-time Board Member representing management. In January of 1978 he was appointed a Vice-Chair. Mr. Satterfield holds a B. Comm. degree from the University of British Columbia (1949) and a diploma in Industrial Relations from Queen's University (1954). He was involved in labour relations activities in the brewing, heavy manufacturing and construction industries for over 25 years prior to his appointment as a Vice-Chair.

***Lee Shouldice, Vice-Chair***

Mr. Shouldice was appointed a Vice-Chair of the Board in July, 1993. He is a graduate of Carleton University in Ottawa (B.A. 1982, with distinction) and the University of Toronto (LL.B., 1985). After his call to the Bar in 1987, Mr. Shouldice practiced labour and employment law in Toronto until his appointment to the Board. Mr. Shouldice is a Contributing Editor on employment standards matters to *Human Resources Management in Canada* (Prentice Hall) and is a frequent contributor to other employment law periodicals.

***Inge M. Stamp, Vice-Chair***

Mrs. Stamp joined the Labour Relations Board in August, 1982 as a full-time Board Member representing management. In September of 1987, she was appointed a Vice-Chair. Mrs. Stamp comes to the Board with many years experience in construction industry labour relations. She also represented the Industrial Contractors Association of Canada during province-wide negotiations as a member of several employer bargaining agencies.

***Roman Stoykewych, Vice-Chair***

Mr. Stoykewych's educational background includes an LL.M. from the University of Cambridge, an LL.B. from the University of Toronto, an M.A. from Queen's University, and a B.A. (Honours) from the University of Manitoba. He was called to the Bar in 1987 and then practised labour law with a Toronto firm until his appointment to the Board. Mr. Stoykewych has published papers in the areas of constitutional law and the *Labour Relations Act*.

*George T. Surdykowski, Vice-Chair*

Mr. Surdykowski joined the Board as a Vice-Chair in June, 1986. He is a graduate of the University of Waterloo (B.E.S. 1974) and Osgoode Hall Law School (LL.B. 1980). After his call to the Ontario Bar in 1982, Mr. Surdykowski practised law in Toronto until his appointment to the Board.

*Susan Tacon, Vice-Chair*

Susan Tacon was appointed to the Board as a Vice-Chair in July, 1984. Her educational background includes a B.A. degree (1970) in Political Science from York University, and LL.B. (1976) and LL.M. (1978) degrees from Osgoode Hall Law School specializing in the labour relations area. Ms. Tacon taught a seminar in collective bargaining and grievance arbitration at Osgoode Hall Law School for several years and also lectured there in legal research and writing. She has several publications to her credit, including a book and articles in law journals, and is an experienced arbitrator.

*Laura Trachuk, Vice-Chair*

Ms. Trachuk's educational background includes an LL.B. and an M.A. from the University of Toronto, and a B.A. from the University of Guelph. She then practised labour law, including a comprehensive range of labour litigation including labour and employment law, human rights, occupational health and safety, pay equity, workers' compensation, and employment equity until her appointment to the Board. Ms. Trachuk has published joint research papers in the areas of human rights, workers' compensation, and the impact of pay equity on collective bargaining.

## MEMBERS REPRESENTATIVE OF LABOUR AND MANAGEMENT

### *Jim Anderson*

Mr. Anderson was appointed a part-time Board Member representing labour in April, 1989. He has been active in the labour movement for many years. He has held various offices in the Canadian Union of Public Employees since 1954, and has been the Union's Ontario Regional Director since 1982. Mr. Anderson has also served as a union nominee on various boards of arbitration and as employee representative on Boards of Referees of the Unemployment Insurance Commission.

### *Bromley L. Armstrong*

A well-known civil rights leader, Mr. Armstrong was appointed a full-time Member of the Board representing labour in February of 1980. He has held various positions in unions, including local union representative, union steward, plant committee representative, and financial secretary. Mr. Armstrong has actively participated in the activities of numerous ethnic and cultural associations, as founding member in many of them. He has been an executive member of the Canadian Civil Liberties Association since 1972 and was a member of the Advisory Council on Multiculturalism in Ontario from 1973 to 1975. Mr. Armstrong was appointed a Commissioner of the Ontario Human Rights Commission in 1975, which post he held until his appointment to the Board. He was honoured by the Government of Jamaica when he was appointed a Member of the Order of Distinction in the rank of officer in the 1983 Independence Day Civil Honours List, and is a recipient of both the City of Toronto Award of Merit, March 1984 and the Urban Alliance

and Race Relations Award, 1988. In 1990, Mr. Armstrong received the Harry Jerome Award of Excellence for Achievement, and the Minister of State for Multiculturalism and Citizenship award for excellence in Race Relations.

### *William A. Correll*

A graduate of McMaster University (B.A. 1949), Mr. Correll was appointed in January, 1985, as a part-time Board Member representing management. In January, 1988 he was appointed a full-time Member of the Board. He joined the Board with an impressive background in the personnel field. Having held responsible personnel positions at Stelco, Atomic Energy of Canada Limited, and DeHavilland Aircraft of Canada Limited for a number of years, Mr. Correll joined Inco Limited in 1971. After serving as that company's Assistant Vice-President and Director of Industrial Relations, in 1977 Mr. Correll became Vice-President of Inco Metals Company. He was later appointed Vice-President, Inco Ltd. and retired in 1985. He has lectured on personnel and management subjects at the community college and university level, and has conducted seminars for various management groups. He is active as a management representative on boards of arbitration and on various management organizations.

### *Karen S. Davies*

Ms. Karen S. Davies was appointed a full-time Board Member representing labour in July, 1988. She has been a member of the Canadian Auto Workers for many years and



has held numerous positions within the union. In 1981 she was elected Chairperson of the Technical, Office, and Professional Employees bargaining unit, where she was responsible for matters such as negotiations, grievances, and arbitrations. Ms. Davies was elected President of Local 673 in 1987, representing technical, office, and professional employees of Boeing Canada Ltd., McDonnell Douglas Canada Ltd., Spar Aerospace, and Green Shield Prepaid Services. Ms. Davies has also been active in various labour organizations such as the Ontario Federation of Labour and the Labour Community Services of Metropolitan Toronto.

#### *Andre Roland Foucault*

Mr. Foucault was appointed a part-time Board Member representing labour in January, 1986. A member of the Canadian Paperworkers Union since 1967, he has held several elected positions within this Union. In 1976, he was appointed to the position of Programmes Co-ordinator of the Ontario Federation of Labour. In February, 1982, Mr. Foucault joined the staff of the Canadian Paperworkers Union as a National Representative, in which capacity he has served since that time.

#### *W. Neil Fraser*

Prior to being appointed a full-time Board Member representing management on January 1, 1988, Mr. Fraser was executive director of the Canadian, Ontario, and Metro Toronto Masonry Contractors Associations. He served as employer spokesperson in province-wide collective bargaining for the Bricklayer and Mason Tender Agreements. He represented the masonry industry on a number of technical committees for building code and technical standards. He is a past president of the

Toronto Chapter Institute of Association Executives. He is active in the Scottish Community, serving as Canadian Commissioner of the Clan Fraser Society of North America and Chairman of the Clans and Scottish Societies of Canada.

#### *Pat V. Grasso*

Appointed a part-time Member of the Board representing labour in December, 1982, Mr. Grasso has been active in the labour movement in Ontario for many years. Having held various offices in District 50 of the United Mine Workers of America, he was appointed Staff Representative in 1958, and Assistant to the Regional Director for Ontario in 1965. In 1969, Mr. Grasso became the Regional Director for Ontario and was elected to the International Executive Board. When District 50 merged with the United Steelworkers of America in 1972, he became Staff Representative of the Steelworkers in charge of organizing in the Toronto area. In January, 1982, Mr. Grasso was transferred to the District office and appointed District Representative directing the Union's organizing efforts in Ontario. In June, 1988 he was appointed a full-time Member of the Board.

#### *Albert Hershkovitz*

Prior to being appointed a part-time Board Member representing labour in September, 1986, Mr. Hershkovitz served as business agent for the Fur, Leather, Shoe and Allied Workers' Union and the Amalgamated Meat Cutters and Butcher Workmen. He has been President of the Ontario Council-Canadian Food and Allied Workers, Vice-President of the Ontario Federation of Labour, and Chair of the Metro Labour Council, Municipal

Committee. As well as being Chairman of the Ontario Jewish Labour Committee and Vice-Chairman of the Urban Alliance for Race Relations, Mr. Hershkovitz has served as a member of the Board of Referees of the Unemployment Insurance Commission.

### *Maxine A. Jones*

A community college teacher of English and Political Science, Ms. Jones was appointed a part-time Board Member representing labour in April, 1987. Ms. Jones holds Bachelor degrees in Journalism and Political Science, a graduate degree in the latter, and has completed all but her dissertation for her doctorate. Her union experience is extensive and includes being the most senior member of the Ontario Public Service Union's Provincial Board. In addition, she has extensive grievance arbitration experience in her home city, Windsor. Also in Windsor, Ms. Jones is a member of a number of community agency boards, including the Windsor Occupational Safety and Health Board, and has served in several City Council appointed positions.

### *Joseph F. Kennedy*

Mr. Kennedy is the Business Manager of the International Union of Operating Engineers, Local 793, having served as Treasurer before becoming Business Manager. He has been instrumental in establishing a compulsory training program for hoisting engineers in the Province of Ontario. Mr. Kennedy is a Trustee for the Pension and Benefit Plans of Local 793, as well as a Trustee for the General Pension Plan of the International Union of Operating Engineers in Washington, D.C. He is a member of the National Safety Council, Chicago, Illinois, a member of the Construction Industry Advisory Board for the

Province of Ontario, a Director of the Ontario Building Industry Development Board and, since May, 1983, he has been a part-time Member of the Ontario Labour Relations Board representing labour.

### *Hank Kobryn*

A member of the Iron Workers' Union since 1948, Mr. Kobryn was the President of Local 700 of that Union from 1951 to 1953. Thereafter, for 16 years, Mr. Kobryn held the post of Business Agent of the Iron Workers' Local 700 in Windsor. Among the many other offices Mr. Kobryn has held are: Vice-President of the Provincial Building and Construction Trades Council of Ontario 1958-1962; Secretary Treasurer of the same council, 1962-1980; Member of the Labour-Management Provincial Safety Committee; Member of the Labour-Management Arbitration Commission; Member of the Construction Industry Review Panel; and member of the Advisory Council on Occupational Health and Safety. In December, 1980, Mr. Kobryn was appointed a full-time Board Member representing labour.

### *John Kurchak*

In February, 1989 Mr. Kurchak was appointed a part-time Board Member representing labour. A member of the Sheet Metal Workers' International Association for many years, he held the positions of Business Agent and Business Manager for Local 285. Mr. Kurchak also served as a business representative with the Toronto-Central Building and Construction Trades Council. Coupled with his activities in the Solar Energy Society, he was an active member of the Conservation, Energy and Pollution Control Committee of the Ontario Federation of Labour.

### *James Lear*

Prior to his appointment in October, 1988 as a part-time Board Member, Jim Lear was a Corporate Manager with the George Wimpey Canada Group, responsible for salaried personnel employment practices and benefits, insurances, construction equipment/transport acquisitions and disposals, and all administrative systems and procedures throughout the Canadian divisions and construction projects of the company. He is a past president of the Construction Safety Association of Ontario, and a former member of the Policy Review Board of the Workers' Compensation Board of Ontario.

### *Donald A. MacDonald*

Prior to being appointed a full-time Board Member representing management in July, 1986, Mr. MacDonald was active in personnel management at Brown & Root Ltd. from 1957 to 1968 and at Lummus Canada from 1968 to 1981. From 1981 until his appointment at the Board, Mr. MacDonald was President of the Boilermaker Contractors' Association where he was responsible for negotiations, contract administration, and liaison with other trade associations. Other activities include Chairman of the Industrial Contractors Association National Committee and Director of the Electrical Power Systems Construction Association.

### *Carole M. (Currie) McDonald*

Ms. McDonald was appointed a full-time Board Member representing labour in July, 1988. Ms. McDonald came to the Board with many years in the labour relations field, primarily with the Retail, Wholesale Department Store Union. She was the union's

business agent for Eastern Ontario, through which she was responsible for the handling of grievances, arbitrations, contract negotiations, and labour disputes. Previous to that, Ms. McDonald was Organizer/ Co-ordinator of the Department Store Organizing Campaigns, where she was responsible for labour relations matters relevant to organizing in Ontario. Ms. McDonald has also been active in the Ontario Federation of Labour and the Metropolitan Toronto and Eastern Ontario Labour Council.

### *George McMenemy*

A member of the International Brotherhood of Painters and Allied Trades since 1969, Mr. McMenemy has served on the Executive Board of Local 1795 Glaziers since 1976. He was elected Business Manager/Financial Secretary of the Local in December 1983 and remained in that position until November 1992, when he resigned to accept a full-time appointment to the Board representing labour. In March, 1984, Mr. McMenemy was appointed by the International to administer the Painters Local in Kitchener. During the years 1984 through 1992, Mr. McMenemy served as the Recording Secretary of the Kitchener Building Trades, Vice President of the Ontario Council of the C.F.L., and was a trustee of the Ontario Glazier Benefit Trust Funds. He also served on the Provincial and Local Apprenticeship Committees for the Glass Industry.

### *Rene R. Montague*

In March of 1986, Mr. Montague was appointed a full-time Board Member representing labour. A member of the United Auto Workers (now Canadian Auto Workers) for many years, Mr. Montague maintained many responsible positions in the union, including plant chairperson of Northern



Telecom. He has extensive arbitration and bargaining experience. In 1985, Mr. Montague was elected to the Executive Committee of the United Way of Greater London and was a member of the Board of Directors and Campaign Committee of the United Way.

### *John W. Murray*

In August of 1981, Mr. Murray was appointed as a part-time Member of the Board representing management. Mr. Murray earned a B.A. degree in Maths and Physics as well as an M.A. degree from the University of Western Ontario. Having served as a Lieutenant with the Royal Canadian Navy during the Second World War, he commenced a career in sales in 1946. He joined the Purchasing Department of John Labatt Ltd. in 1956, becoming Director of Purchasing in 1957. He subsequently held a number of Senior Management positions in the Labatt Group of companies in several parts of the country. He was a vice-president of Labatt Brewing Company for several years before his retirement in January 1982.

### *David A. Patterson*

Mr. Patterson was appointed a full-time Board Member representing labour in April, 1986. A member of the United Steelworkers of America for many years, a miner by trade, he advanced through the ranks of his Union to become President of Local 6500, U.S.W.A. from 1976-1981, and Director, District 6, U.S.W.A. in Ontario 1981-1986. He was elected Vice-President-at-large of the C.L.C. from 1982-1986 and he was a member of the Board of Directors of the M.A.P.A.D. Mr. Patterson also served on the Premier's Advisory Committee, the Ontario

Labour-Management Study Group.

### *Hugh Peacock*

Mr. Peacock was appointed a full-time Board Member representing labour in November, 1986. Prior to joining the Board, Mr. Peacock was Legislative Representative for the Ontario Federation of Labour. He came to the OFL after having been the Woodworkers' Education and Research Representative (1960-1961), working in the UAW Canada Research Department (1962-1967), and having been a negotiator for the Toronto Newspaper Guild (1972-1976). Mr. Peacock was a member of the Ontario Parliament, representing Windsor West (NDP) from 1967 to 1971. He is currently a member of various social and community organizations.

### *Ross W. Pirrie*

Mr. Pirrie was appointed a part-time Board Member representing management in January, 1985 and a full-time Board Member in May, 1988. Having been employed by Canadian National Railways for ten years, in 1960 he joined Shell Canada Limited. At Shell Canada, Mr. Pirrie held a wide range of managerial positions in general management, occupational health, and human resources, and on retiring in 1984 was corporate manager of labour relations. Mr. Pirrie holds the degree of B.A. (Psychology) from the University of Toronto.

### *Fred B. Reaume*

Immediately prior to being appointed a full-time Board Member representing management in January, 1992, Mr. Reaume was Executive Director and Labour Relations



Director for the General Contractors Association of Hamilton, as well as Chief Administrative Officer for the Association of Millwrighting Contractors of Ontario. He served as Employer Spokesman in province-wide Collective Bargaining with the Labourers International Union of North America, Ontario Provincial District Council from 1984 to 1990. He previously served in Senior Industrial Relations positions with General Steel Wares and Burlington Steel, and has acted as Industrial Relations consultant to several private organizations. In addition, he periodically lectures at Mohawk College in Business Organization and Labour Relations. Mr. Reaume is a graduate of the University of Western Ontario (BBA '57) and McMaster University (MBA '68).

### *John Redshaw*

Mr. Redshaw was appointed a full-time Board Member representing labour in July, 1986. From 1966 to 1971, he served as Business Representative for Local 793, International Union of Operating Engineers. He was Area Supervisor for Hamilton, St. Catharines and Kitchener, a position which included organizing and negotiation of all collective agreements in the construction industry. From 1979 until his appointment to the Board, Mr. Redshaw worked in the Union's Labour Relations Department, first in Toronto and then Cambridge. He has been Secretary-Treasurer of the Canadian Conference of Operating Engineers and Secretary of the Waterloo, Wellington, Dufferin, Grey, Building Trades Council.

### *Kenneth V. Rogers*

Mr. Rogers was appointed in August, 1984, as a part-time Board Member representing

labour. From 1967 to 1976, he was a representative with the International Chemical Workers Union and served as Secretary-Treasurer of the Canadian Chemical Workers Union from 1976 to 1980. When the Energy and Chemical Workers Union was founded in 1980, Mr. Rogers became its Ontario Co-ordinator and remained in the position until 1988. He is a former Vice-President of the Ontario Federation of Labour. Mr. Rogers is currently employed as Director of Regional Sectoral Services with the Workers Health and Safety Centre.

### *James A. Ronson*

Mr. Ronson was appointed a full-time Member of the Board representing management in August of 1979. He graduated from the University of Toronto with a B.A.Sc. in 1965 and an LL.B. in 1968. After his call to the Bar, Mr. Ronson practised law in Toronto. During his practice, he served on numerous boards of arbitration as employer nominee.

### *Judith A. Rundle*

Ms. Rundle was appointed a full-time Board Member representing management in July, 1986. She joined the Board with an impressive background in the personnel field. After attending the University of Toronto, Ms. Rundle held responsible personnel positions at Toronto General Hospital and National Trust Company. Ms. Rundle joined the Riverdale Hospital in 1979, first as Assistant to the Director of Personnel and subsequently as Assistant Administrator of Human Resources. From January, 1986 until her arrival at the Board, Ms. Rundle was employed as Acting Director of Personnel and Labour Relations at Toronto General Hospital. She was active as management representative on boards of

arbitration and has been a member of various management organizations.

### *Gordon O. Shamanski*

A graduate of the University of Chicago (B.A.), Mr. Shamanski was appointed a full-time Board Member representing management in July, 1986. He joined the Board with an impressive background in the personnel field, having been Personnel Manager at Rothmans of Pall Mall Canada Ltd., 1963-1970, and at Canadian Motor Industries Holdings Limited, 1970-1971. From 1972 to 1985 Mr. Shamanski was Corporate Director of Personnel and Industrial Relations at Domglas Inc. where he was responsible for labour contract negotiations, labour board hearings, compensation and benefits design, health and safety, management development and training, and staff recruitment. He has lectured in industrial relations and is a member of various management organizations.

### *Robert M. Sloan*

Prior to being appointed a full-time Board Member representing management in November, 1986, Mr. Sloan was employed by Alcan as Corporate Industrial Relations Manager. In this capacity, Mr. Sloan, a graduate of Sir George Williams University (B.A.) was directly involved in all phases of the personnel and labour relations scene, including representation in various management organizations.

### *E.G. (Ted) Theobald*

Mr. Theobald was appointed as a part-time Board Member representing labour in

December, 1982 and became a full-time Member in 1986. From 1976 to June, 1982, he was an elected member of the Board of Directors of O.P.S.E.U., and during this period served a term as Vice-President. A long time political and union activist, Mr. Theobald has served as President and Chief Steward of a 600 member local union. He has served on numerous union committees and has either drafted or directly contributed to several labour relations related reports. He is experienced in grievance procedure and arbitration.

### *Janet Trim*

Appointed a part-time Board Member representing management in May, 1987, Ms. Trim comes to the Board with many years of experience in construction labour relations. Representing the General Contractors, she has been a member of negotiating committees formed to bargain provincial collective agreements. She served for several years as a management trustee on a Welfare and Pension Trust Fund and currently serves as a management trustee on an Apprenticeship Trust Fund and is a member of a Local Apprenticeship Committee.

### *Mike Vukobrat*

Mr. Vukobrat was appointed on January 31, 1990, as a part-time Board Member representing management. He has been in the Electrical Construction Industry for 36 years, the last 25 as an Electrical Contractor (Power Line Construction Ltd.). In December of 1989, he retired from the organization and his position as President. He has served as a Director of the Electrical Contractors Association of Ontario from 1973 to 1989, was President 1979-1981, and Chairman of the

Electrical Trade Bargaining Agency 1985-1986. He served on every negotiating committee since provincial bargaining came into effect. Mr. Vukobrat also served as a Director of the Electrical Power Systems Construction Association from 1981 to 1989 and served on their negotiating committees. He is immediate Past Chairman of the Construction Employers Coordinating Council of Ontario, and is presently Executive Director of that organization.

### *Richard Weiss*

Mr. Weiss was appointed a part-time Board Member representing labour in November, 1992. Before coming to the Board, Mr. Weiss accumulated extensive experience in labour relations, particularly with the Labourers' International Union. He served as Business Manager to its Local 1059, as Assistant Business Manager to the Ontario Provincial District Council, and as Contribution Control Officer to its Local 183. Through these positions, he was responsible for negotiating and administering collective agreements, directing organizing activities, representing the union in jurisdictional disputes, grievances, and certification proceedings at the Board, and maintaining an employer contribution report control system for three separate Trust Funds. Prior to this, Mr. Weiss was a labourer at the Bruce Nuclear Power Development project, where he also acted as union steward. He is currently the Labourers' International Representative for the Central Canada sub-regional office.

### *W.H. (Bill) Wightman*

Mr. Wightman was first appointed to the Board in 1968, became a full-time Member in 1977, and resigned from the Board in April

1979 in order to serve as a member of the 31st Parliament of Canada and Parliamentary Secretary to the Minister of Labour. He was re-appointed as a full-time Board Member representing management in May, 1981. Following 12 years as an industrial relations specialist in the petro-chemical, food processing and health care industries in the U.S. and Canada, he became Director of Industrial Relations for the Canadian Manufacturers' Association from 1966 to 1977. Concurrently, he served as the Canadian Employer Delegate and Technical Advisor to the International Labour Organization in Geneva and the Organization for Economic Co-operation and Development in Paris, and as a member of the Canada Manpower and Immigration Council, the Unemployment Insurance Advisory Committee, and the Attorney-General's Committee on Prison Industries. He is a graduate of Clarkson University (BBA '50) and Columbia University (MS '54).

### *Daniel G. Wozniak*

Mr. Wozniak was appointed a part-time Board Member representing management in March, 1987. A graduate of the University of Manitoba (B.A.) and the Manitoba Law School (LL.B.), Mr. Wozniak has held various personnel-related positions. He started his business career with DuPont of Canada Ltd. where he held various positions in the employee relations department. In 1960, he joined Standard Brands Limited (now known as Nabisco Brands Ltd.) in Montreal and was promoted to the position of Vice-President, Personnel and Industrial Relations. In 1976 he joined Canada Wire and Cable Ltd. in Toronto, where he held the position of Vice-President, Personnel and Industrial Relations until his retirement in 1987. A member of various management organizations,

Mr. Wozniak served as the Deputy Employer's representative to the 72nd ILO Convention in Geneva (1986).



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## IV FOCUS ON STAFF

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Because the Board could not function without the efforts of many staff in addition to the members of the Board, the next few annual reports will introduce some of those individuals. This report's focus is on the Board's Field Services, which include the Manager of Field Services, Senior Labour Relations Officers, Labour Relations Officers, Administrative Assistant, and Returning/Waiver Officers.

### *Jack MacDonald, Manager of Field Services*

Mr. MacDonald joined the Field Staff of the Board in 1971, following an extensive career in the Employee Relations area of Canada Packers Limited where he was actively involved in contract administration, negotiation, conciliation, and arbitration proceedings. In 1976, Mr. MacDonald was promoted to the position of Senior Labour Relations Officer and in 1981 to the newly created position of Manager of Field Services.

### *Julie Jones, Administrative Assistant*

Ms. Jones joined the Board in November, 1986, and through a series of progressive moves now holds the position of Administrative Assistant to the Manager of Field Services. Prior to joining the Board, Ms. Jones was employed as a mutual fund administrator. She has also held a variety of administrative and clerical positions.

### *Sonny Udasco, Returning Officer*

Mr. Udasco's career with the Board began in 1973. Prior to his becoming Returning Officer in 1989, he held positions in a number of areas at the Board, including Examiner's and Solicitor's Stenographer, Secretary in the Construction section, Vote Supervisor, Senior

Clerk of Votes, and Supervisor of the Certification, Votes and Sundry section. Prior to joining the Board, Mr. Udasco was an Intelligence Analyst in the Philippines.

### SENIOR LABOUR RELATIONS OFFICERS

#### *Stewart V. Netherton*

Mr. Netherton joined the Board in 1977 as a Labour Relations Officer, and became a Senior Labour Relations Officer in 1982. Active in the Ontario labour scene since 1952, he has been a Charter Member of the Brampton and District Labour Council, and has held various offices in the International Chemical Workers Union, including Local President, International Representative, International Vice-President, and Canadian Director.

#### *Larry Stickland*

Before joining Field Services in 1974 as a Labour Relations Officer, Mr. Stickland spent several years with the International Association of Machinists and Aerospace Workers in various executive positions at the District and Provincial level. He was promoted to the position of Senior Labour Relations Officer in 1982. Mr. Stickland is a member of the Public Administration Institute of Canada and also acts as an arbitrator.

### *Norman Wilson*

Mr. Wilson joined the Board as a Labour Relations Officer in March 1977, and became a Senior Labour Relations Officer in 1982. He was educated in England and is a graduate of the Royal Military College in India. Prior to joining the Board, he was with the Canada Labour Relations Board. Until 1973 he was the Canadian Director of the former International Brewery Workers, and Executive Secretary of the Brewery Workers Ontario Provincial Board. He has negotiated many collective agreements and has served on a variety of O.F.L. and C.L.C. committees, including the U.I.C. Board of Referees. Mr. Wilson has both mediated and arbitrated in numerous situations, his Board experience having provided him a broad knowledge in labour relations matters.

### **LABOUR RELATIONS OFFICERS**

#### *Anita Bennett*

Ms. Bennett joined the Board's Field Services in July, 1991. She did her undergraduate work in Public Administration from 1983 to 1986, and graduated with an LL.B. from the University of Windsor in 1989. Anita honed her skills as a mediator while serving as an Officer in the Military Police in the Canadian Army Reserves from 1982 to 1991.

#### *James Bowman*

Mr. Bowman joined the Labour Relations Board in 1976 as a Labour Relations Officer. Prior to coming to the Board, he attended at the University of Waterloo (Honours, History 1970) and at Osgoode Hall Law School. In 1988, Mr. Bowman was appointed Deputy Registrar of the Ontario Labour Relations Board. He returned to the Field Staff in 1991.

### *Patricia S. Bucik*

Ms. Bucik joined the Board in November, 1990 as an Examiner, and quickly progressed to the position of Labour Relations Officer in 1991. Ms. Bucik holds a degree from York University (B.Sc. 1986) and a certificate in Human Resources Management from Ryerson Polytechnical Institute (1988). Ms. Bucik was employed in the labour relations field in the food industry for three years prior to joining the Board.

#### *Warren Cox*

Mr. Cox joined the Board as a Labour Relations Officer in 1993. As the Construction Co-ordinator, his primary responsibility is to mediate grievances in the construction industry. For several years prior to coming to the Board, he was Business Agent with the International Association of Bridge, Structural and Ornamental Ironworkers, Local 721.

#### *Fernando Da Silva*

Mr. Da Silva joined the Board's Field Services as a Labour Relations Officer in 1990. Prior to coming to the Board, he served as Director of Organizing with the Teamsters, Local 847, Textile Processors, Local 351, and the International Union of Allied and Novelty Workers, Local 905. He was also chief Union Steward while working at Cottrell Forwarding.

#### *Wayne Davis*

Mr. Davis joined the Board as a Labour Relations Officer in July, 1984, after more

than twenty years' experience in industrial labour relations. His background includes grievance processing up to and including arbitration, and contract negotiations. Mr. Davis graduated from the personnel/industrial relations program at McMaster University in 1971.

### *Barbara Dresner*

Ms. Dresner is a graduate of Michigan State University. Prior to joining the Board as a Labour Relations Officer in 1985, she was a consultant with the Ontario Quality of Working Life Centre.

### *Dale Gordon*

Ms. Gordon joined the Board in the fall of 1977 and progressed through various positions before re-locating to the Employment Standards Branch in September, 1980. She returned to the Board in February 1984 as a Returning Officer. For the last nine years, Ms. Gordon has held the position of Labour Relations Officer.

### *Cliff Greenaway*

Mr. Greenaway was a Regional Manager at the Employment Standards Branch of the Ministry of Labour before joining the Board as a Labour Relations Officer in 1986. He was a Fellow of the Life Management Institute (F.L.M.I.), has held a variety of executive positions in marketing and research and development with a leading life insurance company, and was Executive Director of the Labour Council Development Foundation, the co-operative housing arm of the Labour Council of Metropolitan Toronto.

### *Janet Greenberg*

Ms. Greenberg joined the Board as a Labour Relations Officer in February, 1987. She did her undergraduate work at McGill University in Montreal, and graduated from Queen's University in Kingston with a Master's Degree in Public Administration in 1981. Prior to joining the Board, Ms. Greenberg worked in a wide variety of human resources, compensation, and labour relations positions with both the Saskatchewan Public Service Commission and the St. Lawrence Seaway Authority.

### *Ed Hunt*

Mr. Hunt joined the Board as a Labour Relations Officer in 1984. Prior to coming to the Board, he held various offices within the United Electrical Workers Union while working at Westinghouse Canada in Hamilton. In 1974, he was appointed National Representative, and was responsible for administering collective agreements, contract negotiations, and representing the union's members in Occupational Health & Safety, Workers' Compensation, and Unemployment Insurance matters.

### *William Jackson*

Mr. Jackson joined the Board as a Labour Relations Officer in 1984, after spending several years as an investigator-conciliator with the Ontario Human Rights Commission. He is currently a director with the Arbitration and Mediation Institute of Ontario and is involved in a wide variety of dispute resolution activities. Mr. Jackson is bilingual, and has a B.A. in Political Science from the University of Waterloo.

### *H. (Chuk) Jurchuk*

Born, raised, and educated in Kitchener/Waterloo, Mr. Jurchuk had been C.E.O. of an advertising company, and owner/operator of both a consulting firm and catering/mobile food service before joining the Board as a Labour Relations Officer in 1989. For twenty years, he worked for the United Food and Commercial Workers Union, where his many positions included Assistant to the Canadian Director for Western Canada.

### *Michele Lapointe*

Ms. Lapointe joined the Labour Relations Board in 1991. She is a graduate of Laval University (Industrial Relations (Honours), 1988) and held a position in Human Resources at CAE Electronics in Montreal from 1987 to 1991. Michele is a designated bilingual officer with the Board.

### *Tim Parker*

Mr. Parker's career as a Labour Relations Officer began in 1986. Prior to joining the Board, he was with the Employment Standards Branch of the Ministry of Labour. Mr. Parker is a graduate of the University of Toronto (1985).

### *Frank Reilly*

Mr. Reilly joined the Board as a Labour Relations Officer in February, 1988. Before coming to the Board, he was a union organizer in the Ottawa area, and an International representative of a major trade union, appearing before the Board and other quasi-judicial bodies.

### *Basil Rowe*

Mr. Rowe joined the Board as a Labour Relations Officer in September of 1993. Prior to coming to the Board he was a Policy Advisor with the Ministry of Labour's Workplace Policies and Practices Branch, where his work focused primarily on Employment Standards and Workers' Compensation reform.

### *Alex Vigar*

Mr. Vigar began his business career with the Board in 1971. He has held a number of supervisory positions at the Board, including heading up the Accreditation section of the Construction Industry, supervisor of the Certification and Representation section, and Computer Programme Analyst. Since 1980, Mr. Vigar has established himself as a neutral mediator through his role as a Labour Relations Officer.

### *Patrick Whyte*

Mr. Whyte joined the Board as a Labour Relations Officer in June, 1981 and, except for a two year period as Senior Labour Relations Officer with Canada Post, has been acting in that capacity ever since. He was a member of the Retail, Wholesale, Department Store Union for many years and served as Chair and Executive Treasurer of the Dominion Store unit of Local 414. Over the past 13 years, Mr. Whyte has established himself as a professional neutral in the labour relations field, and frequently acts as an arbitrator.



*S. Beth Wild*

Ms. Wild joined the Board's Field Services in November, 1991. She graduated from McGill University in 1989 with a Bachelor of Arts majoring in Industrial Relations, and followed this up with a Master of Industrial Relations (MIR) from Queen's University in 1991.

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## V LEGISLATIVE HISTORY

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In 1943, the Ontario Legislature engaged in one of the first attempts in Canada to institute an effective scheme of compulsory collective bargaining. *The Collective Bargaining Act, 1943*, S.O. 1943, c. 4 came about as a result of a public hearing before a select committee of the Provincial Legislative Assembly. Although the establishment of a 'Labour Court' was not strenuously lobbied for by any of the interest groups which made submissions to the Select Committee, it was this option which the Select Committee saw fit to endorse. The Committee's report, in the form of a draft bill, was submitted to the Legislature on March 25th, 1943, and when enacted on April 14th, 1943, legitimized collective bargaining in Ontario under the Ontario Labour Court, which was a division of the Supreme Court of Ontario.

The Act of 1943 abolished the common law doctrines of conspiracy and restraint of trade as they had applied to trade unions, and gave employees a right to participate in union activity. A union was permitted to apply for certification as the bargaining agent for a group of employees. The Court had power to ascertain the appropriate unit for the purpose of collective bargaining. It has been pointed out that:

...the shape and structure of the collective-bargaining system was to be determined by a court which was expected to develop policies that would promote orderly collective bargaining. It was recognized that the scheme of the Act involved both administrative and "judicial" functions. The Court was also empowered to delegate its non-judicial responsibilities so that it could develop an administrative infra-structure to support its "judicial" role. (MacDowell, R.O., "Law and Practice before the Ontario Labour Relations Board" (1978), 1 Advocate's Quarterly 198 at 200.)

The Act contained several features which are standard in labour relations legislation today: management dominated organizations could not be certified, managerial employees were excluded from the Act, employers could not discriminate against employees for participation in union activity, employers were required to recognize a certified bargaining agent, and there was a duty to bargain in good faith. The Labour Court had broad remedial powers - something which the Ontario Labour Relations Board would not have for many years. The Labour Court was the only forum for resolution of disputes arising under a collective agreement. This function was to be performed without cost to the parties. It is now performed by private boards of arbitration or sole arbitrators and, when disputes arise in the construction industry, by the Labour Relations Board.

The Ontario Labour Court was to have a short lifespan (it opened in June 1943, and heard its last case in April, 1944). In his book, The Ontario Labour Court 1943-44,

(Queen's University Industrial Relations Centre, Kingston, 1979), John A. Willes gives the following reasons for the Court's early demise:

...the trade unions were complaining about the high cost of proceedings before the Court, the Judges were not eager to deal with labour matters under the Act, and most important, the Conservative party, that had promised to repeal the legislation if elected, formed the government in Ontario in the Spring of 1944.

The immediate circumstances which brought about the demise of the Labour Court (and hence the formation of a Board) was a wartime move by the Federal Government to centralize labour relations law. Owing to the division of powers between the Dominion and Provincial Governments, control over labour relations in Canada is shared between the two levels of government depending on whether the undertaking falls under Federal or Provincial jurisdiction. In 1907, the Federal Government attempted to bring labour disputes in public utilities and coal mines under Federal control by means of *The Industrial Disputes Investigation Act*. Disputes in other industries were often brought voluntarily within the provisions of the Act. In 1925 this Act was held by the Privy Council to be *ultra vires* the Dominion Parliament because it infringed on the Provincial power over "property and civil rights." (*Toronto Electric Commissioners v. Snider*, [1925] A.C. 396; [1925] 2 D.L.R. 5).

The Act was subsequently amended so as to encompass only those industries within federal jurisdiction. This left labour relations largely in the hands of the provincial legislatures, although by virtue of a clause in the federal Act, provinces could, in effect, "opt in" to the federal system (all the provinces except Prince Edward Island exercised this option for a time). However, given the constitutional situation in Canada, decentralization of labour policy was inevitable and the Ontario regime was representative of this decentralization. However, the fact that Canada was at war allowed the Federal Government to rely on its emergency power to pass Order in Council P.C. 1003. This Order adopted the general principles of the American *Wagner Act*, and called for an independent regulatory authority. The Ontario Labour Court was replaced by the Ontario Labour Relations Board, pursuant to *The Labour Relations Board Act, 1944*, S.O. 1944, c. 29, which was subject to the Federal Wartime Labour Relations Board. The Chairman of the fledgeling Ontario Board was Jacob Finkleman, who had been the registrar of the Labour Court.

In 1947, the Ontario Labour Relations Board became independent of the Federal Government by virtue of *The Labour Relations Board Act, 1947*, S.O. 1947, c. 54. The next year, *The Labour Relations Act, 1948*, S.O. 1948, c. 51, was passed. The 1948 Act, which was enacted in anticipation of new federal legislation, repealed the earlier *Labour Relations Board Acts* and empowered the Lieutenant-Governor in Council to make regulations "in the same form and to the same effect as that ... Act which may be passed by the Parliament of Canada at the session currently in progress ..." This Act was basically transitional in nature, since work was already under way on the drafting of separate provincial legislation, which made its first appearance in *The Labour Relations Act, 1950*, S.O. 1950, c. 34.

The major function of the Board was, and still remains, certifying trade unions as bargaining agents. The history of the Board is largely a history of the acquisition of new powers and functions, as new ways of dealing with the problems inherent in industrial relations developed. Initially, however, the Board's role was fairly limited. There was no enforcement mechanism at the Board's disposal in 1950. The major enforcement method was prosecution, in which case the Board had to grant consent to prosecute. The Board had the power to declare a strike or lock-out unlawful, but this in itself fell short of being a very complete remedy. In a situation where an individual had been refused employment, discharged, discriminated against, threatened, coerced, or otherwise dealt with contrary to the Act, the appropriate remedy lay in an inquiry by a conciliation officer who then reported to the Minister who in turn could make an appropriate order.

Thus, outside of granting certifications and decertifications, the Board's power was quite limited. The power to make certain declarations, determinations, or to grant consent to prosecute under the Act was remedial only in a limited way. Of some significance during the fifties was the Board's acquisition of the power to grant a trade union "successor" status. (*The Labour Relations Amendment Act, 1956*, S.O. 1956, c. 35). In 1962, the complementary section providing for the preservation of bargaining rights in the case of "successor employers" was passed and was later expanded so as to preserve existing collective agreements. (*The Labour Relations Amendment Act, 1961-62*, S.O. 1961-62, c. 48; *The Labour Relations Amendment Act, 1970*, S.O. 1970, c. 85.)

*The Labour Relations Amendment Act, 1960*, S.O. 1960, c. 54, made a number of changes in the Board's role. Most importantly, the Board received the authority to order reinstatement with or without compensation. In conjunction with this new power was the power to designate a field officer to investigate complaints. The Board's reinstatement and compensation orders could be filed in the Supreme Court of Ontario and were enforceable as orders of that Court. The Board also received the power to refer jurisdictional disputes to a new jurisdictional disputes commission which had the power to make interim orders or directions. The Board was given limited power to review the directions. As with the Board's reinstatement and compensation orders, the interim orders could be filed with the Supreme Court and thus become enforceable as orders of that Court. The Board also received the power to set a terminal date for the filing of membership evidence and evidence opposing certification, and the discretion to refuse to "carve out" a craft unit where there was a history of industrial organization in a plant. In 1960, provision was also made for pre-hearing representation votes.

In 1962, *The Labour Relations Amendment Act, 1961-62*, added new provisions to the Act in order to respond to unique problems which were evident in the construction industry. This industry was given a separate but somewhat similar regime under the Act in response to recommendations made in the "Goldenberg Report" (Report of The Royal Commission on Labour Management Relations in the Construction Industry, March, 1962). Provision was made for determination of bargaining units by reference to geographic areas rather than particular projects. The Board, in consultation with interested parties, divided the Province geographically for the purpose of certification in the construction industry. Labour



policy with regard to the construction industry has continued to evolve. Legislation was introduced in 1977 to provide for province-wide bargaining in the industrial, commercial, and institutional sector of that industry in response to the recommendations contained in the "Franks Report" (Report of the Industrial Inquiry Commission into Bargaining Patterns in the Construction Industry of Ontario, May, 1976) (*The Labour Relations Amendment Act, 1977*, S.O. 1977, c. 31). Further amendments were made to the Act in relation to the construction industry in 1979 and 1980. *The Labour Relations Amendment Act, 1979* (No. 2), S.O. 1979, c. 113, and *The Labour Relations Amendment Act, 1980*, S.O. 1980, c. 31, extended the bargaining rights held by trade unions in the construction industry for any particular employer in relation to the industrial, commercial and institutional sector of the industry, prohibited selective strikes and lock-outs, and provided for an expeditious ratification procedure.

In 1970, by virtue of *The Labour Relations Amendment Act, 1970*, the Board received a significant extension to its remedial authority. Provision was made for authorization of a Labour Relations Officer to inquire into certain complaints with a view to settling the matters. The most interesting addition to the situations in which the Board could make remedial orders was in the case of a breach of the newly created "duty of fair representation". This duty, imposed on trade unions, required them not to act in a manner that was arbitrary, discriminatory, or in bad faith in their representation of employees for whom they hold bargaining rights. More recently, this duty has been extended to cover referral of persons to work. The Board also received the power to make "cease and desist" orders with respect to unlawful strikes and lock-outs in the construction industry, which could be filed with the Supreme Court and be enforceable as orders of the Court.

A major increase in the Board's remedial powers under the *Labour Relations Act* occurred in 1975. (*The Labour Relations Amendment Act, 1975*, S.O. 1975, c. 76). The Board was permitted to authorize a labour relations officer to inquire into any complaint alleging a violation of the *Labour Relations Act*. A settlement reached by the parties and put into writing was binding on the parties, and a breach of such settlement could be dealt with in the same fashion as a breach of a provision of the Act. The Board's remedial powers were extended to all violations of the Act, and orders of the Board were enforceable in the same way that an order of the Supreme Court is enforceable. The Board also received authority to make "cease and desist" orders with respect to any unlawful strike or lock-out. It was in 1975 as well, that the Board's jurisdiction was enlarged to enable it to determine grievances in the construction industry referred to it by one of the parties to a collective agreement.

In June of 1980, the *Labour Relations Amendment Act, 1980* (No. 2), S.O. 1980, c. 34, was passed providing for compulsory check-off of union dues and the entitlement of all employees in a bargaining unit to participate in ratification and strike votes. Provision was also made for the Minister of Labour to direct a vote of the employees in a bargaining unit on their employer's final offer at the request of their employer. In June of 1983, the *Labour Relations Amendment Act, 1983*, S.O. 1983, c. 42, became law. It introduced into the Act section 73, which prohibits strike related misconduct and the engaging of, or acting

as, a professional strike-breaker. To date, the Board has not been called upon to interpret or apply section 73.

In June of 1984, the *Labour Relations Act, 1984*, S.O. 1984, c. 34 was enacted. This Act dealt with several areas. It gave the Board explicit jurisdiction to deal with illegal picketing or threats of illegal picketing, and permits a party affected by illegal picketing to seek relief through the expedited procedures in sections 94 and 137, rather than the more cumbersome process under section 91. The Act also permitted the Board to respond in an expedited fashion to illegal agreements or arrangements which affect the industrial, commercial and institutional sector of the construction industry. It further established an appropriate voting constituency for strike, lock-out and ratification votes in that sector and provided a procedure for complaints relating to voter eligibility to be filed with the Minister of Labour. The new amendment also eliminated the 14 day waiting period before an arbitration award which is not complied with may be filed in court for purposes of enforcement.

In May of 1986, the *Labour Relations Amendment Act, 1986*, S.O. 1986, c. 17 was passed to provide for first contract arbitration. Where negotiations had been unsuccessful, either party could apply to the Board to direct the settlement of a first collective agreement by arbitration. Within strict time limits, the Board was to determine whether the process of collective bargaining had been unsuccessful due to a number of enumerated grounds. Where a direction was given, the parties had the option of having the Board arbitrate the settlement. As of January 1, 1993, the Board no longer has the power to settle the terms of the first contract itself.

In December 1986, the *Equality Rights Statute Law Amendment Act, 1986* amended, amongst other statutes, the *Labour Relations Act* to bring it into line with the *Human Rights Code, 1981* and the *Canadian Charter of Rights and Freedoms*. The provisions prohibiting the Board from certifying a trade union which discriminates, and deeming an agreement not to be a collective agreement if it discriminates were amended. They now include any ground of discrimination prohibited by these two statutes.

On March 31, 1990, the fines under the *Labour Relations Act* were increased by the *Provincial Penalties Adjustment Act, 1989*, S.O. 1989, c.72, s.48. For a breach of the Act, fines for any individual were doubled to \$2,000 and those for a corporation or trade union were increased to \$25,000.

In December 1991, the *Labour Relations Amendment Act, 1991* was enacted. It amended the provisions of the Act concerning the industrial, commercial and institutional sector of the construction industry by increasing the terms of province-wide agreements from two to three years, by prohibiting the counting of ballots (in province-wide agreement ratification votes) until all voting in the province is completed, and by providing for the establishment of a corporation to facilitate collective bargaining and otherwise assist the sector.

On January 1, 1993, the *Labour Relations and Employment Statute Law Amendment Act* ("Bill 40") was enacted, amending the *Labour Relations Act* in several respects.

The amendments extend the application of the Act to domestic workers and certain categories of professionals, and allow security guards to join the union of their choice. They also provide that regulations may be made that would make the Act apply to agricultural workers.

Employees and union officials are now entitled to engage in organizing and picketing activity on private property normally open to the public (such as a shopping mall) in defined circumstances. Provision is made for an expedited hearing on a complaint that a person was illegally discharged or disciplined during an organizing drive.

The Act altered the certification process through which unions obtain bargaining rights. The requirement of a \$1.00 union membership fee has been eliminated. The level of union support necessary for a representation vote (to determine whether a union will be certified to represent the employees) was reduced from 45 percent of employees in the bargaining unit to 40 percent. The time by which evidence of union support or of opposition must be filed was moved from a terminal date (several days after the application was filed) to the application date. The standard for certifying the trade union when an employer has contravened the Act such that the true wishes of employees about being represented by the union are not likely able to be ascertained was changed. There is no longer a requirement that the union have support adequate for collective bargaining.

The Board may also now combine two or more bargaining units involving the same employer and union. A bargaining unit consisting of full-time and part-time employees is now deemed to be an appropriate unit.

While the Board retains the power to direct that a first contract be settled by arbitration, on the same grounds that existed before Bill 40 came into force, it no longer has jurisdiction to settle the terms of the first contract itself. Parties can also apply to the Minister for first contract arbitration. In that case, access to arbitration is automatic 30 days after it becomes lawful to strike or lock-out.

The amendments prevent an employer from using the services of various categories of replacement workers to do the work of employees in a bargaining unit that is locked-out or is on a strike that has the support of sixty percent of employees who vote in a secret ballot. Provision is made for certain types of essential work to be done. During a strike or lock-out, employment benefits for employees are continued if the union offers to make the payments to maintain them. A protocol governing the return of employees to work after a lock-out or a strike is set out.



Employees are given "just cause" protection against being discharged or disciplined after the union is certified, during the life of a collective agreement, and after the expiry of the agreement until a new collective agreement is signed.

The amendments extend the scope of successor rights to cover the sale of a business that was previously subject to federal labour law, and to cover transfers of work in the building contract services sector (e.g. cleaning, food, and security). The successor rights provisions, which previously continued bargaining rights and collective agreements upon the sale of a business, are extended so that the successor employer is bound to all other labour relations proceedings and collective bargaining notices.

The Act now requires employers and unions to bargain in good faith over an adjustment plan in case of the closure of an operation or a mass lay-off.

The amendments provide the Ontario Labour Relations Board with additional procedural powers, including the power to make interim orders, and with an additional remedial authority to settle terms of the collective agreement in the case of a breach of the duty to bargain in good faith. They also create a new process for the resolution of jurisdictional disputes between unions.

In January, 1994, the *Labour Relations Amendment Act, 1993* was passed to deal with the relationship between local trade unions in the construction industry and their "parent" unions. The Act amended the *Labour Relations Act* to increase the participation of local unions in collective bargaining by providing for shared bargaining rights between local trade unions and parent unions. It also provides for the appointment of trustees of employment benefit plans by local unions, and, unless there is just cause, prohibits a parent union from altering a local union's jurisdiction, interfering with a local union's autonomy, or penalizing a local union official or members of the local.

The Board was given jurisdiction over collective bargaining in the public service in February, 1994 by virtue of the *Public Service and Labour Relations Statute Law Amendment Act, 1993*. Among the many changes made by that Act was the enactment of the *Crown Employees Collective Bargaining Act, 1993*, which among other things provided Crown employees with the right to strike, along with provisions to ensure that essential services would be maintained during a strike or lock-out. The *Public Service Act* was amended to provide a new scheme governing political activity of Crown employees, and to give the Board jurisdiction over some complaints that employees suffered adverse consequences for engaging in permitted political activity.



## VI BOARD PUBLICATIONS

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The Ontario Labour Relations Board is responsible for the following publications:

**The Ontario Labour Relations Board Reports:** A monthly publication of selected Board decisions which also contains statistics and other information on proceedings before the Board.

**A Guide to the Labour Relations Act:** A booklet explaining in layperson's terms the provisions of the *Labour Relations Act* and the Board's practices. This publication is revised periodically to reflect current law and Board practices. The Guide is also available in French.

**Monthly Highlights:** A publication in leaflet form containing scope notes of significant Board decisions on a monthly basis. This publication also contains Board notices of interest to the industrial relations community and information relating to new appointments and other internal developments.

**Pamphlets:** To date the Board has published three pamphlets: "Rights of Employees, Employers and Trade Unions", "Certification by the Ontario Labour Relations Board", and "Unfair Labour Practice Proceedings before the Ontario Labour Relations Board". All three pamphlets are available in English, French, Italian, and Portuguese. The pamphlet entitled "Unfair Labour Practice Proceedings before the Ontario Labour Relations Board" describes unfair labour practice proceedings before the Board and also contains useful instructions in filling out Form A-35, which is used to institute proceedings.

These publications are edited or written and kept up-to-date by the Solicitors' Office.

All of the Board's publications may be obtained by calling, writing, or visiting the Board's offices. The Ontario Labour Relations Board Reports are available through annual subscriptions, (January - December issues inclusive) currently priced at \$267.50, including G.S.T. Individual copies of the Reports may be purchased at the Government of Ontario Bookstore. Order forms for subscriptions are available from the Board.

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## VII CASELOAD 1992-93

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In fiscal year 1992-93, the Board received a total of 3,837 applications and complaints, a decrease of 8.0 percent from the intake of 4,170 cases in 1991-92. Of the three major categories of cases that are brought to the Board under the Act, applications for certification of trade unions as bargaining agents decreased by 24.5 percent over last year, contraventions of the Act decreased by 1.7 percent, and referrals of grievances under construction industry collective agreements decreased by 6.6 percent. The total of all other types of cases increased by 6.9 percent. (Tables 1 and 2).

In addition to the cases received, 1,024 were carried over from the previous year for a total caseload of 4,861 in 1992-93. Of the total caseload, 2,906, or 59.8 percent, were disposed of during the year; proceedings in 1,061 were adjourned sine die\* (without a fixed date for further action) at the request of the parties; and 894 were pending in various stages of processing at March 31, 1993.

The total number of cases processed during the year produced an average workload of 286 cases for the Board's full-time Chair and Vice-Chairs, and the total disposition represented an average output of 171 cases.

### *Labour Relations Officer Activity*

In 1992-93, the Board's labour relations officers were assigned a total of 3,054 cases to help the parties settle differences between them without the necessity of formal litigation before the Board. The assignments comprised 62.8 percent of the Board's total caseload, and included 759 certification applications, 22 cases concerning the status of individuals as employees under the Act, 800 complaints of alleged contravention of the Act, 1,377 grievances under construction industry collective agreements, and 96 complaints under the *Occupational Health and Safety Act*. (Table 3).

The labour relations officers completed activity in 1,796 of the assignments, obtaining settlements in 1,568, or 87.3 percent. They referred 228 cases to the Board for decisions; proceedings were adjourned sine die in 765 cases; and settlement efforts were continuing in the remaining 493 cases as of March 31, 1993. Labour relations officers were also successful in having hearings waived by the parties in 572, or 74.4 percent, of 759 certification applications assigned for this purpose.

*\*The Board regards sine die cases as disposed of, although they are kept on docket for one year.*

### *Representation Votes*

In 1992-93, the Board's returning officers conducted a total of 146 representation votes among employees in one or more bargaining units. Of the 146 votes conducted, 106 involved certification applications, 39 were held in applications for termination of existing bargaining rights, and one was taken in a successor employer application. (Table 5).

Of the certification votes, 71 involved a single union on the ballot, and 35 involved two unions.

A total of 8,647 employees were eligible to vote in the 146 elections that were conducted, of whom 6,947, or 80.3 percent, cast ballots. Of those who participated, 58.4 percent voted in favour of union representation. In the 71 elections that involved a single union, 76.4 percent of the eligible voters cast ballots, with 47.4 percent of the participants voting for union representation.

In the 39 votes held in applications for termination of bargaining rights, 90.7 percent of the eligible voters cast ballots, with only 37.4 percent of those who participated voting for the incumbent unions.

### *Final Offer Votes*

In addition to taking votes ordered in its cases, the Board's Registrar was requested by the Minister to conduct votes among employees on employers' last offer for settlement of a collective agreement dispute under section 40(1) of the Act. Although the Board is not responsible for the administration of votes under that section, the Board's Registrar and field staff are used to conduct these votes because of their expertise and experience in conducting representation votes under the Act.

Of the 29 requests dealt with by the Board during the fiscal year, five cases were withdrawn, settlements were reached in two cases before a vote was taken, and votes were conducted in 20 situations.

In the 20 votes held, employees accepted the employer's offer in six cases by 120 votes in favour to 34 against, and rejected the offer in 14 cases by 1,001 votes against to 412 in favour. The remaining two cases were pending at March 31, 1993.

### *Hearings*

The Board held a total of 2,127 hearings and continuation of hearings in 1,090, or 22.4 percent, of the 4,861 cases processed during the fiscal year. One hundred and eighty-seven of the hearings were conducted by a vice-chair sitting alone, compared with 126 in 1991-92.

### *Processing Time*

Table 7 provides statistics on the time taken by the Board to process the 2,902 cases disposed of in 1992-93. Information is shown separately for the three major categories of cases handled by the Board - certification applications, complaints of contravention of the Act, and referrals of grievances under construction industry collective agreements - and for the other categories combined.

A median of 30 days was taken to proceed from filing to disposition for 2,902 cases that were completed in 1992-93, compared with 36 days in 1991-92; certification applications were processed in a median of 27 days, compared with 33 days in 1991-92; complaints of contravention of the Act took 39 days, compared with 46 days in 1991-92; and referrals of construction industry grievances required 15 days as in 1991-92. The median time for the total of all other cases decreased to 53 days from 57 in 1991-92.

Seventy-four point two percent (74.2) of all dispositions were accomplished in 84 days (3 months) or less, compared with 79.9 percent for certification applications, 68.0 percent for complaints of contravention of the Act, 84.2 percent for referrals of construction industry grievances, and 62.7 percent for the total of all other types of cases. The number of cases requiring more than 168 days (6 months) to complete increased to 409 from 359 in 1991-92.

### *Certification of Bargaining Agents*

In 1992-93, the Board received 824 applications for certification of trade unions as bargaining agents of employees, a decrease of 24.5 percent from 1991-92 (Tables 1 and 2).

The applications for certification of trade unions were filed by 95 trade unions, including 31 employee associations. Twelve of the unions, each with more than 25 applications, accounted for 62.9 percent of the total filings: Labourers (83 cases), Public Employees (CUPE) (56 cases), Food and Commercial Workers (49 cases), Intl. Operating Engineers (45 cases), Canadian Security Union (40 cases), Service Employees Intl. (40 cases), United Steelworkers (39 cases), Retail Wholesale Employees (38 cases), Carpenters (34 cases), Teamsters (33 cases), Bricklayers (32 cases), and Electrical Workers (IBEW) (29 cases). In contrast, 37 percent of the unions filed fewer than 5 applications each. These unions together accounted for 5 percent of the total certification filings. (Table 8).

Table 9 gives the industrial distribution of the certification applications received and disposed of during the year. Non-manufacturing industries accounted for 86.0 percent of the applications received, concentrated in construction (223 cases), health and welfare services (149 cases) and other services (129 cases). These three groups comprised 70.7 percent of the total non-manufacturing applications. Of the 115 applications involving



establishments in manufacturing industries, 48.7 percent were in three groups: food and beverage (23 cases), other manufacturing (20 cases), and transportation equipment (13 cases).

In addition to the applications received, 238 cases were carried over from last year, making a total certification caseload of 1,062 in 1992-93. Of the total caseload, 743 were disposed of, proceedings were adjourned sine die in 87 cases, and 232 cases were pending as of March 31, 1993. Of the 743 dispositions, certification was granted in 509 cases, including 55 in which interim certificates were issued under section 6(2) of the Act, and three that were certified under Section 8; 96 cases were dismissed; and 138 cases were settled or withdrawn. The certified cases represented 68.5 percent of the total dispositions. (Table 1).

Of the 605 applications that were either certified or dismissed or terminated, final decisions in 85 cases were based on the results of representation votes. Of the 85 votes conducted, 58 involved a single union on the ballot, and 27 were held between two unions. Applicants won in 48 of the votes and lost in the other 37. (Table 6).

A total of 5,525 employees were eligible to vote in the 85 elections, of whom 4,270, or 77.3 percent, cast ballots. In the 48 votes that were won and resulted in certification, 2,208, or 67.3 percent, of the 3,282 employees eligible to vote cast ballots, and of these voters 1,931, or 87.5 percent, favoured union representation. In the 37 elections that were lost and resulted in dismissals, 2,062, or 91.9 percent, of the 2,243 eligible employees participated, and of these only 35.2 percent voted for union representation.

***Size and Composition of Bargaining Units:*** Small units continued to be the predominant pattern of union organizing efforts through the certification process in 1992-93. The average size of the bargaining units in the 509 applications that were certified was 29 employees, compared with 32 employees in 1991-92. Units in construction certifications averaged seven employees, the same as in 1991-1992; and in non-construction certifications they averaged 35 employees, compared with 46 in 1991-92. Seventy-nine (79) percent of the total certifications involved units of fewer than 40 employees, and 44.6 percent applied to units of fewer than 10 employees. The total number of employees covered by the certification applications granted decreased to 14,832 from 20,831 in 1991-92. (Table 10).

Of the employees covered by the applications certified, 3,408, or 23.0 percent, were in bargaining units that comprised full-time employees or in units that excluded employees working 24 hours or less a week. Units composed of employees working 24 hours or less a week accounted for 1,437 employees, found mostly in health and welfare services, education, and retail trade, and represented mainly by teachers' unions and the Ontario Nurses Association. Full-time and part-time employees were represented in units covering 9,975 employees, including units that did not specifically exclude employees working 24 hours or less a week. (Tables 12 and 13).

Seventy-two point four percent (72.4) of the employees, or 10,724 were employed in production, service and related occupations; and 844 were in office, clerical and technical

occupations - mainly in education, and health and welfare services. Professional employees, found mostly in education and health and welfare services, accounted for 1,723 employees; a small number, 137 employees, were in sales classifications; and 1,392 were in units that included employees in two or more classifications. (Tables 14 and 15).

***Disposition Time:*** A median time of 25 calendar days was required to complete the 509 certification applications granted from receipt to disposition. For non-construction certifications, the median time was 24 days, and for construction certifications the median time was 44 days. (Table 11).

Eighty-three point one percent (83.1) of the 509 certification applications granted were disposed of in 84 days (3 months) or less, 74.5 percent took 56 days (2 months) or less, 56.8 percent required 28 days (one month) or less, and 38.1 percent were processed in 21 days (three weeks) or less. Forty-five cases required longer than 168 days (six months) to process, compared with 52 cases in 1991-92. (Table 11).

### ***Termination of Bargaining Rights***

In 1992-93, the Board received 122 applications under sections 58, 60, 61, 62 and 125 of the Act, seeking termination of the bargaining rights of trade unions. In addition, 42 cases were carried over from 1991-92.

Of the total cases processed, bargaining rights were terminated in 64 cases, 33 cases were dismissed, 37 cases were withdrawn or settled, proceedings were adjourned sine die in six cases, and 24 cases were pending at March 31, 1993.

Unions lost the right to represent 1,547 employees in the 64 cases in which termination was granted, but retained bargaining rights for 8,063 employees in the 35 cases that were either dismissed or withdrawn.

Of the 97 cases that were either granted or dismissed, dispositions in 42 were based on the results of representation votes. A total of 1,304 employees were eligible to vote in the 42 elections that were held, of whom 1,183, or 90.7 percent, cast ballots. Of those who cast ballots, 439 voted for continued representation by unions and 744 voted against. (Table 6).

### ***Declaration of Successor Trade Union***

In 1992-93, the Board dealt with 19 applications for declarations under section 63 of the Act concerning the bargaining rights of successor trade unions resulting from a union merger or transfer of jurisdiction, compared to 5 in 1991-92.

Affirmative declarations were issued by the Board in five cases, nine cases were dismissed, and three cases were withdrawn, with two cases pending at March 31, 1993.

### *Declaration of Successor or Common Employer*

In 1992-93, the Board dealt with 348 applications for declarations under section 64 of the Act concerning the bargaining rights of trade unions of a successor employer resulting from a sale of a business, or for declarations under section 1(4) to treat two companies as one employer. The two types of requests are often made in a single application.

Affirmative declarations were issued by the Board in 46 cases, 115 cases were either settled or withdrawn by the parties, 16 cases were dismissed, proceedings were terminated or adjourned sine die in 60 cases, and 111 cases were pending at March 31, 1993.

### *Accreditation of Employer Organizations*

One application was processed under sections 127 through 129 of the Act for accreditation of an employer organization as bargaining agent of employers in the construction industry. This case was pending at March 31, 1993.

### *Declaration and Direction of Unlawful Strike*

In 1992-93, the Board dealt with 5 applications seeking a declaration under section 94 regarding an alleged unlawful strike by employees in the construction industry. All five cases were withdrawn or settled.

Nine applications were dealt with seeking directions under section 94 regarding alleged unlawful strikes by employees in non-construction industries. Directions were issued in three cases, three cases were settled or withdrawn, two were adjourned sine die, and one was pending at March 31, 1993.

Twenty applications seeking directions under section 137 of the Act against alleged unlawful strikes by construction workers were received. Directions were issued in two cases, seven were settled or withdrawn, and proceedings were adjourned sine die in 11 cases.

### *Declaration and Direction of Unlawful Lock-out*

Three applications seeking a declaration under section 95 of the Act regarding an alleged unlawful lock-out by construction employers were processed in 1992-93. One case was settled and two cases were adjourned sine die.



Thirteen applications were processed seeking a direction under section 95 of the Act regarding an alleged unlawful lock-out by non-construction employers. A direction was issued in two cases, one case was dismissed, six were settled or withdrawn, and four cases were adjourned sine die.

### *Consent to Prosecute*

In 1992-93, the Board dealt with five applications under section 103 of the Act requesting consent to institute prosecution in court against unions and employers for alleged commission of offences under the Act.

Of the five applications processed, which included two carried over from the previous year, one was adjourned sine die, and four were either settled or withdrawn.

### *Complaints of Contravention of Act*

Complaints alleging contravention of the Act may be filed with the Board under section 91 of the Act. In handling these cases, the Board emphasizes voluntary settlements by the parties involved, with the assistance of a labour relations officer.

In 1992-93, the Board received 873 complaints under this section. In complaints against employers, the principal charges were alleged illegal discharge of or discrimination against employees for union activity in violation of section 65 and 67 of the Act, illegal changes in wages and working conditions contrary to section 81, and failure to bargain in good faith under section 15. These charges were made mostly in connection with applications for certification. The principal charge against trade unions was alleged failure to represent employees fairly in grievances against their employer.

In addition to the complaints received, 279 cases were carried over from 1991-92. Of the 1,152 cases processed, 762 were disposed of, proceedings were adjourned sine die in 160 cases, and 230 cases were pending at March 31, 1993.

In 577, or 75.7 percent, of the 762 dispositions, voluntary settlements and withdrawals of the complaint were secured by labour relations officers (Table 4). Remedial orders were issued by the Board in 27 cases, 137 cases were dismissed, 595 cases were either settled or withdrawn, and 3 cases were terminated (Table 1).

### *Construction Industry Grievances*

Grievances over an alleged violation of the provisions of a collective agreement in the construction industry may be referred to the Board for resolution under section 126 of the Act. As with complaints of contravention of the Act, the Board encourages voluntary



settlement of these cases by the parties involved, with the assistance of a labour relations officer.

In 1992-93, the Board received 1,392 applications under this section, a decrease of 6.6 percent over the previous year. The principal issues in these grievances were alleged failure by employers to make required contributions to health and welfare, pension, and vacation funds, failure to deduct union dues, and alleged violation of the subcontracting and hiring arrangements in the collective agreement.

In addition to the cases received, 223 were carried over from 1991-92. Of the total 1,615 grievances processed, 767 were disposed of, 69 were granted, 11 cases were dismissed, 687 cases settled or were withdrawn, proceedings were adjourned sine die in 665 cases, and 183 were pending at March 31, 1993.

In 679, or 88.5 percent, of the 767 dispositions, voluntary settlements and withdrawal of the grievance were obtained by labour relations officers (Table 4), and awards were made by the Board in 69 cases.

## ***MISCELLANEOUS APPLICATIONS AND COMPLAINTS***

### ***Religious Exemption***

Six applications were processed under section 48 of the Act, seeking exemption for employees from the union security provisions of collective agreements because of their religious beliefs. Two applications were settled, one application was adjourned sine die, and the remaining three applications were pending as of March 31, 1993.

### ***Early Termination of Collective Agreements***

Twenty-four applications were processed under section 53(3) of the Act, seeking early termination of collective agreements. Consent was granted in 19 cases, proceedings were terminated in one case, and four cases were pending at March 31, 1993.

### ***Union Financial Statements***

Three complaints were dealt with under section 87 of the Act, alleging failure by trade unions to furnish members with audited financial statements of the union's affairs. Settlements were reached in two cases, and one case was adjourned sine die.

## *Jurisdictional Disputes*

Eighty-one complaints were dealt with under section 93 of the Act, involving union work jurisdiction. An assignment of work in dispute was made by the Board in 13 cases, six cases were dismissed, 20 cases were settled or withdrawn, 12 cases were adjourned sine die, and 30 cases were pending at March 31, 1993.

## *Determination of Employee Status*

The Board dealt with 44 applications under section 108(2) of the Act, seeking decisions on the status of individuals as employees under the Act. Thirteen cases were settled or withdrawn by the parties in discussions with labour relations officers. Determinations were made by the Board in four cases, in which 17 of the 42 persons in dispute were found to be employees under the Act. Six cases were dismissed, proceedings were adjourned sine die in eight cases, and 13 cases were pending at March 31, 1993.

## *Referrals by Minister of Labour*

In 1992-93, the Board dealt with five cases referred by the Minister under section 109 of the Act for opinions or questions related to the Minister's authority to appoint a conciliation officer under section 16 of the Act, or an arbitrator under sections 45 or 46. Two cases were either terminated or adjourned sine die, and three cases were pending at March 31, 1993.

One case was referred to the Board by the Minister under section 141(4) of the Act, concerning the designations of the employee and employer agencies in a bargaining relationship in the industrial, commercial, and institutional sector of the construction industry. The case was pending at March 31, 1993.

## *Trusteeship Reports*

Eight statements were filed with the Board during the year, reporting that local unions had been placed under trusteeship.

## *First Agreement Arbitration*

Until January 1, 1993, under section 41 of the Act parties could first apply to the Board for a direction to arbitrate; then, if the direction was granted, they could choose to have the settlement arbitrated by the Board or privately by a board of arbitration. As of the January 1, 1993 amendments, the Board no longer has the power to arbitrate first agreements.

In 1992-93, the Board dealt with 54 applications for directions to settle first agreements by arbitration. Directions were issued in 33 cases, six cases were dismissed, five cases were settled, proceedings were adjourned sine die in eight cases, and two were pending at March 31, 1993.

### ***Arbitration Provision***

Three applications were made under section 45(3) of the Act, asking the Board to modify the arbitration provision in a collective agreement. All three applications were granted.

### ***Determination of Sector in the Construction Industry***

Seven applications were dealt with by the Board under section 153 of the Act, asking the Board to determine whether construction work in question was within the industrial, commercial, institutional sector. One case was dismissed, one case was settled, and five cases were either adjourned sine die or pending at March 31, 1993.

### ***Occupational Health and Safety Act***

In 1992-93, the Board dealt with 136 complaints under section 50 of the *Occupational Health and Safety Act*, alleging wrongful discipline or discharge for acting in compliance with the Act. Thirty-four cases were carried over from 1991-92.

Of the total 136 cases processed, 73 were settled by the parties in discussions with labour relations officers. One case was granted, twelve were dismissed, one case was terminated, proceedings were adjourned sine die in 25 cases, and the remaining 24 were pending at March 31, 1993.

### ***Colleges Collective Bargaining Act***

One complaint was dealt with under section 77 of the *Colleges Collective Bargaining Act*, alleging contraventions of the Act. The case was withdrawn.

Two applications were dealt with under section 81 of the Act for decisions on the status of individuals as employees under the Act. One case was dismissed, and the other was pending as at March 31, 1993.

Statistics on the cases under the *Colleges Collective Bargaining Act* are included in Table 1.

## ***BILL 40 CASES***

### ***Combination of Bargaining Units***

The Board received 33 applications under section 7 of the Act to combine bargaining units. Two were granted, one was dismissed, one was adjourned sine die, and eight were withdrawn. The remaining 21 were pending at year-end.

### ***Complaints During Organizing Activities***

The Board received 22 applications under section 92.2 of the Act, alleging wrongful discipline or discharge of employees during organizing activities. Two were granted, two were adjourned sine die, and 13 were withdrawn or settled. Five were pending at March 31, 1993.

### ***Interim Orders***

Of the 19 applications for interim orders received under section 92.1 of the Act, six were granted, three were dismissed, seven were withdrawn, and the remainder were pending at year-end.

### ***Jurisdictional Disputes***

The Board held nine consultations with respect to jurisdictional disputes under section 93 of the Act. Two were granted, two were adjourned sine die, and the balance were pending at March 31, 1993.

### ***Ministerial References***

Two questions were referred to the Board by the Minister under section 109 of the Act involving issues other than those related to the Minister's authority to make appointments under sections 16, 45, or 46 of the Act. Both were pending at year-end.

### ***Replacement Workers***

Four applications regarding replacement workers under sections 73.1 or 73.2 of the Act were received by the Board. One was dismissed, two were adjourned sine die, and one was withdrawn.



*Sale of a Business - Building Services Contracts*

One application was filed under section 64.2 of the Act, and it was granted.

*Access to Property to which the Public Normally has Access*

No applications were received under section 11.1 of the Act regarding access to property to which the public normally has access for picketing or organizing purposes.

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## VIII COURT ACTIVITY 1992-93

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During the fiscal year 1992-93, the Ontario Court of Justice (General Division) dealt with five applications for judicial review, of which four were dismissed and one was granted.

One application for judicial review was dismissed for delay.

Two applications to stay Board proceedings pending judicial review applications were brought. One was refused, the other was granted by a single judge, but was subsequently set aside by a panel of three judges. A third stay application was withdrawn.

An order compelling the attendance of the Chair, a Vice-Chair and the Registrar before a special examiner was granted. A motion to set aside this order was heard and reserved.

A motion to quash a summons to a Board member was granted, and a motion to set aside that order was dismissed. Leave to appeal is pending.

Nine other applications for judicial review were pending as at year-end.

During the year under review, the Court of Appeal in five cases denied leave to appeal a decision which had dismissed an application for judicial review.

One other application for leave to appeal a decision dismissing a judicial review was pending at year-end.

An appeal of a decision upholding a Board decision was heard and reserved by the Supreme Court of Canada.

All court decisions respecting applications involving the Board are reported in the Board's Monthly Reports.

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## IX STATISTICAL TABLES 1992-93

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The following statistics reflect the activities of the Ontario Labour Relations Board during the fiscal year 1992-93.

Because of the number of inquiries the Board has received with respect to the impact of its new procedures and recent amendments to the *Labour Relations Act*, we have included three new tables. The first provides some approximate statistics on the volume of cases under certain sections of the amendments, and the others, which are included for this year only, break out disposition times for certifications and unfair labour practices applications between January of 1993 and the end of the fiscal year.

- Table 1:** Total Applications and Complaints Received, Disposed of and Pending, Fiscal Year 1992-93.
- Table 2:** Applications and Complaints Received and Disposed of, Fiscal Years 1987-88 to 1992-93.
- Table 3:** Labour Relations Officer Activity in Cases Processed, Fiscal Year 1992-93.
- Table 4:** Labour Relations Officer Settlements in Cases Disposed of, Fiscal Year 1992-93.
- Table 5:** Results of Representation Votes Conducted, Fiscal Year 1992-93.
- Table 6:** Results of Representation Votes in Cases Disposed of, Fiscal Year 1992-93.
- Table 7:** Time Required to Process Applications and Complaints Disposed of, by Major Type of Case, Fiscal Year 1992-93.
- Table 8:** Union Distribution of Certification Applications Received and Disposed of, Fiscal Year 1992-93.
- Table 9:** Industry Distribution of Certification Applications Received and Disposed of, Fiscal Year 1992-93.
- Table 10:** Size of Bargaining Units in Certification Applications Granted, Fiscal Year 1992-93.
- Table 11:** Time Required to Process Certification Applications Granted, Fiscal Year 1992-93.

- Table 12:** Employment Status of Employees in Bargaining Units Certified, by Industry, Fiscal Year 1992-93.
- Table 13:** Employment Status of Employees in Bargaining Units Certified, by Union, Fiscal Year 1992-93.
- Table 14:** Occupational Groups in Bargaining Units Certified, by Industry, Fiscal Year 1992-93.
- Table 15:** Occupational Groups in Bargaining Units Certified, by Union, Fiscal Year 1992-93.
- Table 16:** Bill 40 Applications Received and Disposed of, January 1, 1993 to March 31, 1993.
- Table 17:** Time Required to Process Certification Applications during January 1, 1993 to March 31, 1993.
- Table 18:** Time Required to Process Unfair Labour Practice Complaints during January 1, 1993 to March 31, 1993.





Table 1

# Total Applications and Complaints Received, Disposed of and Pending Fiscal Year 1992-93

Type of Case	Caseload			Disposed of Fiscal Year 1992-93							Sine Die	Pending March 31, 1993
	Total	Pending April 1, 1992	Received Fiscal Year 1992-93	Total	Granted*	Dismissed	Terminated	Withdrawn	Settled			
Total	4861	1024	3837	2906	813	357	6	93	1637	1061	894	
CERTIFICATION OF BARGAINING AGENTS	1062	238	824	743	509	96	-	28	110	87	232	
COMBINATION OF BARGAINING UNITS	33	-	33	11	2	1	-	-	8	1	21	
DECLARATION OF TERMINATION OF BARGAINING RIGHTS	164	42	122	134	64	33	0	2	35	6	24	
DECLARATION OF SUCCESSOR TRADE UNION	19	2	17	17	5	9	0	3	0	0	2	
DECLARATION OF SUCCESSOR EMPLOYER OR COMMON EMPLOYER STATUS	348	91	257	177	46	16	0	3	112	60	111	
APPLICATION UNDER SUCCESSOR RIGHTS (CROWN TRANSFERS)	19	18	1	13	5	8	0	0	0	2	4	
ACCREDITATION	1	1	0	0	0	0	0	0	0	0	1	
DECLARATION OF UNLAWFUL STRIKE	5	2	3	5	0	0	0	1	4	0	0	
DECLARATION OF UNLAWFUL LOCKOUT	3	0	3	1	0	0	0	0	1	2	0	
DIRECTION RESPECTING UNLAWFUL STRIKE	29	3	26	15	5	0	0	2	8	13	1	
DIRECTION RESPECTING UNLAWFUL LOCKOUT	13	4	9	9	2	1	0	3	3	4	0	
CONSENT TO PROSECUTE	5	2	3	4	0	0	0	2	2	1	0	
CONTRAVENTION OF ACT	1152	279	873	762	27	137	3	19	576	160	230	
EXEMPTION FROM UNION SECURITY	6	2	4	2	0	0	0	0	2	1	3	
PROVISION IN COLLECTIVE AGREEMENT												
EARLY TERMINATION OF COLLECTIVE AGREEMENT	24	3	21	20	19	0	1	0	0	0	4	
TRADE UNION FINANCIAL STATEMENT	3	1	2	2	0	0	0	0	2	1	0	
JURISDICTIONAL DISPUTE	81	49	32	39	13	6	0	19	1	12	30	
REFERRAL ON EMPLOYEE STATUS	44	18	26	23	4	6	0	2	11	8	13	
REFERRAL FROM MINISTER ON APPOINTMENT	5	0	5	1	0	0	1	0	0	1	3	
OF CONCILIATION OFFICER OR ARBITRATOR												
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	1615	223	1392	767	69	11	0	4	683	665	183	
REFERRAL FROM MINISTER ON CONSTRUCTION BARGAINING AGENCY	1	0	1	0	0	0	0	0	0	0	1	
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	136	34	102	87	1	12	1	0	73	25	24	
FIRST AGREEMENT ARBITRATION DIRECTION	54	8	46	44	33	6	0	0	5	8	2	
ARBITRATION PROVISION	3	0	3	3	3	0	0	0	0	0	0	
DETERMINATION OF SECTOR OF CONSTRUCTION WORK	7	1	6	2	0	1	0	0	1	2	3	
FINAL OFFER VOTE	29	3	26	25	6	14	0	5	0	2	2	

\* Includes cases in which a request was granted or a determination made by the Board.  
For Final Offer Votes, Granted indicates that offer was accepted and dismissed indicates a rejection.

Table 2

# Applications and Complaints Received and Disposed of Fiscal Years 1988-89 to 1992-93

Type of Case	Number Received, Fiscal Year					Number Disposed of, Fiscal Year						
	Total	1988-89	1989-90	1990-91	1991-92	1992-93	Total	1988-89	1989-90	1990-91	1991-92	1992-93
Total	18007	3225	3287	3488	4170	3837	14287	2856	2685	2799	3041	2906
CERTIFICATION OF BARGAINING AGENTS	4572	938	910	775	1,092	824	4339	944	880	773	988	743
COMBINATION OF BARGAINING UNITS	33	-	-	-	-	33	11	-	-	-	-	11
DECLARATION OF TERMINATION OF BARGAINING RIGHTS	728	177	167	129	133	122	748	209	132	152	121	134
DECLARATION OF SUCCESSOR TRADE UNION	46	8	13	5	3	17	70	24	23	3	3	17
DECLARATION OF SUCCESSOR EMPLOYER OR COMMON EMPLOYER STATUS	1127	237*	201*	194	238	257	730	140*	143*	122	148	177
APPLICATION UNDER SUCCESSOR RIGHTS (CROWN TRANSFERS)	23	-	-	9	13	1	78	-	-	63	2	13
ACCREDITATION	6	6	-	-	-	-	7	2	1	3	1	-
DECLARATION OF UNLAWFUL STRIKE	22	5	11	3	-	3	23	4	8	6	-	5
DECLARATION OF UNLAWFUL LOCKOUT	10	2	-	5	4	3	8	2	1	4	-	1
DIRECTION RESPECTING UNLAWFUL STRIKE	205	54	59	39	27	26	119	39	36	20	9	15
DIRECTION RESPECTING UNLAWFUL LOCKOUT	33	1	5	12	6	9	26	1	4	9	3	9
CONSENT TO PROSECUTE	19	4	5	5	2	3	20	9	3	3	1	4
CONTRAVENTION OF ACT	4248	787	817	883	888	873	3674	751	700	709	752	762
RIGHT OF ACCESS	6	2	1	2	1	-	7	3	1	2	1	-
EXEMPTION FROM UNION SECURITY	44	14	13	5	8	4	38	12	11	8	5	2
PROVISION IN COLLECTIVE AGREEMENT	94	12	27	16	18	21	93	13	27	13	20	20
EARLY TERMINATION OF COLLECTIVE AGREEMENT	31	8	5	9	7	2	33	10	6	8	7	2
TRADE UNION FINANCIAL STATEMENT	173	30	27	33	51	32	137	23	30	26	19	39
JURISDICTIONAL DISPUTE	243	65	55	54	43	26	234	62	59	41	49	23
REFERRAL ON EMPLOYEE STATUS	16	3	2	2	4	5	12	4	-	1	6	1
REFERRAL FROM MINISTER ON APPOINTMENT OF CONCILIATION OFFICER OR ARBITRATOR	5664	739	881	1,162	1,490	1,392	3337	529	549	699	793	767
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	2	-	-	1	-	1	1	-	1	-	-	-
REFERRAL FROM MINISTER ON CONSTRUCTION BARGAINING AGENCY	449	110	63	90	84	102	340	53	55	79	66	87
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	5	-	2	3	-	-	6	1	1	3	1	-
ENVIRONMENTAL PROTECTION ACT	1	-	-	-	1	-	1	-	-	-	1	-
COMPLAINT UNDER THE SMOKING IN THE WORKPLACE ACT	145	20	21	22	36	46	130	20	13	25	28	44
FIRST AGREEMENT ARBITRATION DIRECTION	17	1	-	8	5	3	14	1	1	6	3	3
ARBITRATION PROVISION	15	2	2	2	3	6	7	-	-	3	2	2
DETERMINATION OF SECTOR OF CONSTRUCTION WORK	60	-	-	18	16	26	53	-	-	17	11	25
FINAL OFFER VOTE	3	-	-	2	1	-	2	-	-	1	1	-
MISCELLANEOUS												

\*Includes applications under Successor Rights (Crown Transfers)

Table 3

### Labour Relations Officer Activity in Cases Processed \*

#### Fiscal Year 1992-93

Type of Case	Cases in Which Activity Completed						
	Total Cases Assigned	Total	Settled		Referred to Board	Sine Die	Pending
			Number	Percent			
Total	3,054	1,796	1,568	87.3	228	765	493
=====							
CERTIFICATION OF BARGAINING AGENTS	759	549	473	86.2	76	49	161
Interim certificate	56	28	27	96.4	1	11	17
Pre-hearing application	74	45	37	82.2	8	7	22
Other application	639	479	410	85.6	69	31	129
CONTRAVENTION OF ACT	800	519	440	84.8	79	113	168
REFERRAL ON EMPLOYEE STATUS	22	9	9	100.0	0	7	6
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	1,377	656	589	89.8	67	586	135
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	96	63	57	90.5	6	10	23

\* Includes all cases assigned to labour relations officers, which may or may not have been disposed of by the end of the year.

\* \* \* \* \*

Table 4

### Labour Relations Officer Settlements in Cases Disposed of \*

#### Fiscal Year 1992-93

Type of Case	Total Disposed of	Officer Settlements	
		Number	Percent of Dispositions
Total	1639	1339	81.7
=====			
CONTRAVENTION OF ACT	762	577	75.7
REFERRAL ON EMPLOYEE STATUS	23	11	47.8
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	767	679	88.5
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	87	72	82.8

\* Includes only cases in which labour relations officers play the leading role in the processing of the case. The figures refer to cases disposed of during the year and should not be confused with data for the same types of cases in Table 3. Table 3 refers to new assignments of cases made to labour relations officers during the year which may or may not have been disposed of by the end of the year.



Table 5

### Results of Representation Votes Conducted\*

#### Fiscal Year 1992-93

Type of Case		Number of Votes	Eligible Employees	Ballots Cast	
				Total	In Favour of Unions
Total		146	8647	6947	4056
=====					
Certification		106	7303	5728	3558
Pre-hearing cases:	One union	18	1,874	1,203	487
	Two unions	28	1,744	1,442	1,380
Construction cases:	One union	5	80	85	20
	Two unions	3	13	5	5
Regular cases:	One union	48	3,266	2,701	1,385
	Two unions	4	326	292	281
Termination of Bargaining Rights:	One union	39	1,260	1,143	428
Successor Employer:	Two unions	1	84	76	70

\* Refers to all representation votes conducted and the results counted during the fiscal year, regardless of whether or not the case was disposed of during the year.

\* \* \* \* \*

Table 6

### Results of Representation Votes in Cases Disposed of \*

#### Fiscal Year 1992-93

Type of Case	Number of Votes			Eligible Votes			All Ballots Cast			Ballots Cast in Favour of Unions		
	Total	Appl. Won	Appl. Lost	Total	In Votes		Total	In Votes		Total	In Votes	
					Won	Lost		Won	Lost		Won	Lost
Total	128	84	44	6913	4576	2337	5529	3382	2147	3165	2396	769
=====												
Certification	85	48	37	5525	3282	2243	4270	2208	2062	2656	1931	725
Pre-hearing cases												
One union	18	10	8	1,780	942	838	1,114	331	783	507	261	246
Two unions	24	19	5	1,635	1,479	156	1,322	1,183	139	1,270	1,155	115
Construction cases												
One union	1	0	1	43	0	43	60	0	60	11	0	11
Two unions	1	1	0	5	5	0	5	5	0	5	5	0
Regular cases												
One union	39	16	23	1,874	668	1,206	1,595	515	1,080	689	336	353
Two unions	2	2	0	188	188	0	174	174	0	174	174	0
Termination												
One union	42	35	7	1,304	1,210	94	1,183	1,098	85	439	395	44
Successor Employer												
Two unions	1	1	0	84	84	0	76	76	0	70	70	0

\* Refers to final representation votes conducted in cases disposed of during the fiscal year. This table should not be confused with Table 5 which refers to all representation votes conducted during the year regardless of whether or not the case was disposed of during the year.

Table 7

**Time Required to Process Applications and Complaints Disposed of,  
by Major Type of Case, Fiscal Year 1992-93**

Time Taken (Calendar Days)	All Cases		Certification Cases		Section 91 Cases		Section 126 Cases		All Other Cases	
	Dispo- sitions	Cumu- lative Percent	Dispo- sitions	Cumu- lative Percent	Dispo- sitions	Cumu- lative Percent	Dispo- sitions	Cumu- lative Percent	Dispo- sitions	Cumu- lative Percent
<b>Total</b>	<b>2902</b>	<b>100.0</b>	<b>743</b>	<b>100.0</b>	<b>762</b>	<b>100.0</b>	<b>767</b>	<b>100.0</b>	<b>630</b>	<b>100.0</b>
Under 8 days .....	213	7.3	14	1.9	75	9.8	94	12.3	30	4.8
8-14 days .....	448	22.8	42	7.5	59	17.6	307	52.3	40	11.1
15-21 days .....	478	39.2	216	36.6	83	28.5	97	64.9	82	24.1
22-28 days .....	266	48.4	118	52.5	62	36.6	35	69.5	51	32.2
29-35 days .....	170	54.3	37	57.5	70	45.8	23	72.5	40	38.6
36-42 days .....	145	59.3	31	61.6	54	52.9	22	75.4	38	44.6
43-49 days .....	101	62.7	33	66.1	21	55.6	23	78.4	24	48.4
50-56 days .....	97	66.1	42	71.7	24	58.8	11	79.8	20	51.6
57-63 days .....	86	69.1	24	75.0	22	61.7	17	82.0	23	55.2
64-70 days .....	61	71.2	19	77.5	20	64.3	5	82.7	17	57.9
71-77 days .....	50	72.9	10	78.9	18	66.7	5	83.3	17	60.6
78-84 days .....	38	74.2	8	79.9	10	68.0	7	84.2	13	62.7
85-91 days .....	57	76.2	19	82.5	11	69.4	11	85.7	16	65.2
92-98 days .....	44	77.7	7	83.4	14	71.3	8	86.7	15	67.6
99-105 days .....	34	78.8	4	84.0	16	73.4	3	87.1	11	69.4
106-126 days .....	92	82.0	13	85.7	31	77.4	20	89.7	28	73.8
127-147 days .....	58	84.0	10	87.1	25	80.7	7	90.6	16	76.3
148-168 days .....	55	85.9	13	88.8	23	83.7	9	91.8	10	77.9
Over 168 days .....	409	100.0	83	100.0	124	100.0	63	100.0	139	100.0

Table 8

# Union Distribution of Certification Applications Received and Disposed of Fiscal Year 1992-93

Union	Number of Applications Received	Number of Applications Disposed of			
		Total	Certi- fied	Dismis- sed**	With- drawn***
All Unions	824	743	509	96	138
CLC Affiliates *	385	355	249	50	56
AUTO WORKERS	6	4	4	0	0
BAKERY AND TOBACCO WORKERS	5	6	4	2	0
BREWERY AND SOFT DRINK WORKERS	3	4	3	0	1
CANADIAN AUTO WORKERS	25	21	14	5	2
CANADIAN PAPERWORKERS	20	13	11	0	2
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	56	47	34	5	8
CLC DIRECTLY CHARTERED	0	1	0	1	0
CLOTHING AND TEXTILE WORKERS	2	2	2	0	0
COMMUNICATIONS-ELECTRICAL WKRS.	1	2	1	1	0
ELECTRICAL WORKERS (UE)	1	2	2	0	0
ELEVATORS CONSTRUCTORS	1	0	0	0	0
ENERGY AND CHEMICAL WORKERS	8	9	6	1	2
FOOD AND COMMERCIAL WORKERS	49	50	36	1	13
GLASS, POTTERY AND PLASTIC WKRS.	3	3	3	0	0
GRAPHIC COMMUNICATION UNION	3	3	1	2	0
HOTEL EMPLOYEES	8	7	4	2	1
INTERNATIONAL WOODWORKERS OF AMERICA	2	3	2	1	0
IWA - CANADA	12	11	7	3	1
LADIES GARMENT WORKERS	5	5	5	0	1
MACHINISTS	6	6	2	2	2
NEWSPAPER GUILD	1	0	0	0	0
OFFICE AND PROFESSIONAL EMPLOYEES	16	14	5	3	6
ONTARIO PUBLIC SERVICE EMPLOYEES	22	17	16	1	0
RAILWAY, TRANSPORT AND GENERAL WORKERS	3	3	1	2	0
RETAIL WHOLESALE EMPLOYEES	38	38	26	8	4
SERVICE EMPLOYEES INTERNATIONAL	40	40	32	3	5
THEATRICAL STAGE EMPLOYEES	2	3	2	0	1
TRANSIT UNION (INTL.)	1	0	0	0	0
TYPOGRAPHICAL UNION	2	3	3	0	0
UNITED STEELWORKERS	39	34	22	5	6
UNITED TEXTILE WORKERS	5	4	1	2	1
Non-CLC Affiliates	439	388	260	46	82
ALLIED HEALTH PROFESSIONALS	2	1	1	0	0
ASBESTOS WORKERS	4	3	2	0	1
BRICKLAYERS INTERNATIONAL	32	18	10	5	3
CANADIAN OPERATING ENGINEERS	1	1	0	0	1
CANADIAN SECURITY UNION	40	41	37	1	3
CARPENTERS	34	32	15	6	11
CHRISTIAN LABOUR ASSOCIATION	17	17	11	2	4
ELECTRICAL WORKERS (IBEW)	29	31	12	4	15
INDEPENDENT LOCAL UNION	22	19	11	2	6
INTERNATIONAL OPERATING ENGINEERS	45	44	32	3	9
LABOURERS	83	74	46	12	16
ONTARIO ENGLISH CATHOLIC TEACHERS	4	3	3	0	0
ONTARIO NURSES ASSOCIATION	20	9	9	0	0
ONTARIO PUBLIC SCHOOL TEACHERS	10	10	8	1	1
PAINTERS	12	11	9	1	1
PLANT GUARD WORKERS	9	11	7	2	2
PLASTERERS	1	1	1	0	0
PLUMBERS	14	10	8	0	2
PRACTICAL NURSES FEDERATION OF ONTARIO	8	9	7	2	0
SHEET METAL WORKERS	4	5	4	0	1
STRUCTURAL IRON WORKERS	12	10	4	3	3
TEAMSTERS	33	27	22	2	3
TRANSIT UNION (CANADIAN)	3	1	1	0	0

\*Canadian Labour Congress. \*\* Includes cases that were terminated. \*\*\*Includes cases that were settled.

Table 9

# Industry Distribution of Certification Applications Received and Disposed of Fiscal Year 1992-93

Industry	Number of Applications Received	Number of Applications Disposed of			
		Total	Certi- fied	Dismis- sed*	With- drawn**
All Industries	824	743	509	96	138
=====					
Manufacturing	115	111	75	21	15
CHEMICALS	8	7	5	1	1
CLOTHING	3	3	2	0	1
ELECTRICAL PRODUCTS	6	4	2	2	0
FABRICATED METALS	5	3	1	1	1
FOOD, BEVERAGES	23	25	18	2	5
FURNITURE, FIXTURES	2	2	1	1	0
MACHINERY	2	3	2	1	0
NON-METALLIC MINERALS	2	2	1	1	0
PAPER	7	7	6	0	1
PETROLEUM, COAL	2	2	0	0	2
PRIMARY METALS	2	5	4	1	0
PRINTING, PUBLISHING	4	5	3	2	0
RUBBER, PLASTICS	6	5	4	1	0
TEXTILES	1	1	1	0	0
TOBACCO PRODUCTS	2	3	1	2	0
TRANSPORTATION EQUIPMENT	13	10	7	2	1
WOOD	7	6	2	4	0
OTHER MANUFACTURING	20	18	15	0	3
Non-Manufacturing	709	632	434	75	123
ACCOMMODATION, FOOD SERVICES	25	25	17	6	2
CONSTRUCTION	223	202	113	31	58
EDUCATION, RELATED SERVICES	52	46	33	6	7
ELECTRIC, GAS, WATER	5	8	5	2	1
FINANCE, INSURANCE CARRIERS	1	1	1	0	0
HEALTH, WELFARE SERVICES	149	125	102	7	16
LOCAL GOVERNMENT	20	16	10	4	2
MANAGEMENT SERVICES	1	1	1	0	0
MINING, QUARRYING	3	3	2	1	0
PERSONAL SERVICES	4	3	2	0	1
REAL ESTATE, INSURANCE AGENCIES	12	9	8	0	1
RECREATIONAL SERVICES	4	4	3	0	1
RETAIL TRADE	42	50	37	4	9
STORAGE	2	1	1	0	0
TRANSPORTATION	20	17	6	5	6
WHOLESALE TRADE	15	10	9	1	0
OTHER SERVICES	131	111	84	8	19

\* Includes cases that were terminated.

\*\* Includes cases that were settled.



Table 10

### Size of Bargaining Units in Certification Applications Granted Fiscal Year 1992-93

Employee Size*	Total		Construction**		Non-Construction	
	Number of Appli- cations	Number of Em- ployees	Number of Appli- cations	Number of Em- ployees	Number of Appli- cations	Number of Em- ployees
Total	509	14,832	111	837	398	13,995
2-9 employees	227	1,078	92	383	135	695
10-19 employees	97	1,338	12	150	85	1,188
20-39 employees	78	2,203	5	132	73	2,071
40-99 employees	69	3,990	2	172	67	3,818
100-199 employees	30	4,418	0	0	30	4,418
200-499 employees	8	1,805	0	0	8	1,805
500 employees or more	0	0	0	0	0	0

\* Refers to the total number of employees in one or more bargaining units certified in an application. A total of 530 bargaining units were certified in the 509 applications in which certification was granted.

\*\* Refers to cases processed under the construction industry provisions of the Act. This figure should not be confused with the figure in Table 9, which includes all applications involving construction employers whether processed under the construction industry provisions of the Act or not.

\* \* \* \* \*

Table 11

### Time Required to Process Certification Applications Granted \* Fiscal Year 1992-93

Calendar Days (including adjournments requested by the parties)	Total Certified		Non-Construction		Construction	
	Number	Cumulative Percent	Number	Cumulative Percent	Number	Cumulative Percent
Total	509	100.0	398	100.0	111	100.0
Under 8 days	0	0.0	0	0.0	0	0.0
8-14 days	13	2.6	13	3.3	0	0.0
15-21 days	181	38.1	156	42.5	25	22.5
22-28 days	95	56.8	83	63.3	12	33.3
29-35 days	25	61.7	16	67.3	9	41.4
36-42 days	22	66.0	15	71.1	7	47.7
43-49 days	21	70.1	13	74.4	8	55.0
50-56 days	22	74.5	18	78.9	4	58.6
57-63 days	16	77.6	10	81.4	6	64.0
64-70 days	13	80.2	11	84.2	2	65.8
71-77 days	9	81.9	7	85.9	2	67.6
78-84 days	6	83.1	4	86.9	2	69.4
85-91 days	9	84.9	4	87.9	5	73.9
92-98 days	4	85.7	3	88.7	1	74.8
99-105 days	2	86.1	2	89.2	0	74.8
106-126 days	7	87.4	6	90.7	1	75.7
127-147 days	7	88.8	3	91.5	4	79.3
148-168 days	12	91.2	7	93.2	5	83.8
Over 168 days	45	100.0	27	100.0	18	100.0

\* Refers only to applications in which certification was granted. This table should not be confused with Table 7 which refers to all certification applications disposed of during the year regardless of the method of disposition.

Table 12

# Employment Status of Employees in Bargaining Units Certified by Industry Fiscal Year 1992-93

Industry	All Units		Full-time		Part-time		Full-time & Part-time		All Employees No Exclusion Specified	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
=====										
All Industries	530	14,820	97	3,408	38	1,437	38	1,180	357	8,795
Manufacturing	76	3,036	24	986	3	67	7	130	42	1,853
FOOD, BEVERAGES	18	447	5	161	3	67	0	0	10	219
TOBACCO PRODUCTS	1	3	0	0	0	0	1	3	0	0
RUBBER, PLASTICS	4	89	1	23	0	0	1	20	2	46
TEXTILES	1	31	1	31	0	0	0	0	0	0
CLOTHING	2	41	0	0	0	0	1	5	1	36
WOOD	2	66	1	36	0	0	0	0	1	30
FURNITURE, FIXTURES	1	41	0	0	0	0	0	0	1	41
PAPER	6	648	1	45	0	0	0	0	5	603
PRINTING, PUBLISHING	3	103	1	89	0	0	0	0	2	14
PRIMARY METALS	4	232	3	220	0	0	0	0	1	12
FABRICATED METALS	1	54	0	0	0	0	0	0	1	54
MACHINERY	2	86	2	86	0	0	0	0	0	0
TRANSPORTATION EQUIPMENT	7	191	2	37	0	0	3	88	2	66
ELECTRICAL PRODUCTS	2	52	0	0	0	0	0	0	2	52
NON-METALLIC MINERALS	1	7	0	0	0	0	0	0	1	7
CHEMICALS	5	60	1	5	0	0	1	14	3	41
OTHER MANUFACTURING	16	885	6	253	0	0	0	0	10	632
Non-Manufacturing	454	11,784	73	2,422	35	1,370	31	1,050	315	6,942
MINING, QUARRYING	2	218	0	0	0	0	1	216	1	2
TRANSPORTATION	6	321	0	0	0	0	0	0	6	321
STORAGE	1	13	0	0	0	0	0	0	1	13
ELECTRIC, GAS, WATER	5	81	0	0	0	0	3	65	2	16
WHOLESALE TRADE	9	176	2	114	0	0	1	9	6	53
RETAIL TRADE	40	2,541	15	505	5	319	1	32	19	1,685
FINANCE, INSURANCE CARRIERS	1	21	0	0	0	0	0	0	1	21
REAL ESTATE, INSURANCE AGENCIES	8	101	1	10	0	0	1	7	6	84
EDUCATION, RELATED SERVICES	36	1,877	5	103	6	465	2	216	23	1,093
HEALTH, WELFARE SERVICES	111	2,828	30	1,016	20	562	8	98	53	1,152
RECREATIONAL SERVICES	3	27	1	16	0	0	0	0	2	11
MANAGEMENT SERVICES	1	3	0	0	0	0	0	0	1	3
PERSONAL SERVICES	2	25	0	0	0	0	1	8	1	17
ACCOMMODATION, FOOD SERVICES	18	565	2	44	1	2	1	56	14	463
LOCAL GOVERNMENT	11	131	4	56	1	2	5	63	1	10
CONSTRUCTION	114	835	0	0	0	0	0	0	114	835
OTHER SERVICES	86	2,021	13	558	2	20	7	280	64	1,163

Table 13

# Employment Status of Employees in Bargaining Units Certified by Union Fiscal Year 1992-93

Union	All Units		Full-time		Part-time		Full-time & Part-time		All Employees No Exclusion Specified	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====
All Unions	530	14,820	97	3,408	38	1,437	38	1,180	357	8,795
CLC	264	9,640	65	2,358	29	893	23	723	147	5,666
AUTO WORKERS	4	72	3	58	0	0	1	14	0	0
BAKERY AND TOBACCO WORKERS	4	56	1	10	0	0	1	3	2	43
BREWERY AND SOFT DRINK WORKERS	4	24	1	2	0	0	0	0	3	22
CANADIAN AUTO WORKERS	14	652	5	362	0	0	1	49	8	241
CANADIAN PAPERWORKERS	11	568	0	0	0	0	0	0	11	568
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	37	882	6	233	4	122	7	103	20	424
CLOTHING AND TEXTILE WORKERS	2	110	1	89	0	0	0	0	1	21
COMMUNICATIONS-ELECTRICAL WKRS.	1	7	0	0	0	0	0	0	1	7
ELECTRICAL WORKERS (UE)	2	22	0	0	0	0	1	20	1	2
ENERGY AND CHEMICAL WORKERS	6	218	1	6	0	0	1	14	4	198
FOOD AND COMMERCIAL WORKERS	41	1,358	12	450	8	379	1	56	20	473
GLASS, POTTERY AND PLASTIC WKRS.	3	90	1	23	0	0	1	46	1	21
GRAPHIC COMMUNICATION UNION	1	5	0	0	0	0	1	5	0	0
HOTEL EMPLOYEES	5	137	1	41	1	13	0	0	3	83
INTERNATIONAL WOODWORKERS OF AMERICA	2	439	0	0	0	0	0	0	2	439
IWA - CANADA	7	320	1	7	0	0	0	0	6	313
LADIES GARMENT WORKERS	5	52	1	15	1	3	0	0	3	34
MACHINISTS	2	54	1	9	0	0	0	0	1	45
OFFICE AND PROFESSIONAL EMPLOYEES	5	170	0	0	0	0	2	107	3	63
ONTARIO PUBLIC SERVICE EMPLOYEES	17	441	4	144	3	80	2	29	8	188
RAILWAY, TRANSPORT AND GENERAL WORKERS	1	38	0	0	0	0	0	0	1	38
RETAIL WHOLESALE EMPLOYEES	26	1,509	6	213	4	111	0	0	16	1,185
SERVICE EMPLOYEES INTERNATIONAL	35	785	14	322	8	185	0	0	13	278
THEATRICAL STAGE EMPLOYEES	2	20	0	0	0	0	0	0	2	20
TYPOGRAPHICAL UNION	3	59	1	45	0	0	0	0	2	14
UNITED STEELWORKERS	23	1,516	5	329	0	0	4	277	14	910
UNITED TEXTILE WORKERS	1	36	0	0	0	0	0	0	1	36

# Employment Status of Employees in Bargaining Units Certified by Union

## Fiscal Year 1992-93

Union	All Units		Full-time		Part-time		Full-time & Part-time		All Employees No Exclusion Specified	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====
All Unions	530	14,820	97	3,408	38	1,437	38	1,180	357	8,795
=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====
Non-CLC	266	5,180	32	1,050	9	544	15	457	210	3,129
=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====
ALLIED HEALTH PROFESSIONALS	2	13	1	7	1	6	0	0	0	0
ASBESTOS WORKERS	2	7	0	0	0	0	0	0	2	7
BRICKLAYERS INTERNATIONAL	10	112	0	0	0	0	0	0	10	112
CANADIAN SECURITY UNION	37	245	5	56	0	0	0	0	32	189
CARPENTERS	15	85	0	0	0	0	0	0	15	85
CHRISTIAN LABOUR ASSOCIATION	11	122	0	0	1	19	0	0	10	103
ELECTRICAL WORKERS (IBEW)	12	85	1	21	0	0	1	15	10	49
INDEPENDENT LOCAL UNION	11	433	2	183	0	0	0	0	9	250
INTERNATIONAL OPERATING ENGINEERS	33	462	9	162	0	0	0	0	24	300
LABOURERS	46	452	1	10	0	0	4	56	41	386
ONTARIO ENGLISH CATHOLIC TEACHERS	3	211	0	0	0	0	0	0	3	211
ONTARIO NURSES ASSOCIATION	11	482	3	247	2	78	0	0	6	157
ONTARIO PUBLIC SCHOOL TEACHERS	8	1,021	0	0	2	418	1	124	5	479
PAINTERS	10	51	0	0	0	0	0	0	10	51
PLANT GUARD WORKERS	8	747	3	234	2	20	2	217	1	276
PLASTERERS	1	2	0	0	0	0	0	0	1	2
PLUMBERS	8	38	0	0	0	0	0	0	8	38
PRACTICAL NURSES FEDERATION OF ONTARIO	7	249	0	0	0	0	0	0	7	249
SHEET METAL WORKERS	4	38	0	0	0	0	0	0	4	38
STRUCTURAL IRON WORKERS	4	12	0	0	0	0	0	0	4	12
TEAMSTERS	22	306	7	130	1	3	6	38	8	135
TRANSIT UNION (CANADIAN)	1	7	0	0	0	0	1	7	0	0



Table 14

# Occupational Groups in Bargaining Units Certified by Industry Fiscal Year 1992-93

	All Groups		Production & Related		Office Clerical & Technical		Professional		Sales		Other	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Industries	530	14,820	393	10,724	35	844	39	1,723	7	137	56	1,392
Manufacturing	76	3,036	58	2,660	4	126	3	30	1	8	10	212
FOOD, BEVERAGES	18	447	13	395	1	4	1	4	1	8	2	36
TOBACCO PRODUCTS	1	3	1	3	0	0	0	0	0	0	0	0
RUBBER, PLASTICS	4	89	3	66	0	0	0	0	0	0	1	23
TEXTILES	1	31	1	31	0	0	0	0	0	0	0	0
CLOTHING	2	41	2	41	0	0	0	0	0	0	0	0
WOOD	2	66	1	30	0	0	0	0	0	0	1	36
FURNITURE, FIXTURES	1	41	1	41	0	0	0	0	0	0	0	0
PAPER	6	648	6	648	0	0	0	0	0	0	0	0
PRINTING, PUBLISHING	3	103	2	96	0	0	0	0	0	0	1	7
PRIMARY METALS	4	232	2	154	1	66	0	0	0	0	1	12
FABRICATED METALS	1	54	1	54	0	0	0	0	0	0	0	0
MACHINERY	2	86	2	86	0	0	0	0	0	0	0	0
TRANSPORTATION EQUIPMENT	7	191	5	155	0	0	0	0	0	0	2	36
ELECTRICAL PRODUCTS	2	52	0	0	1	7	0	0	0	0	1	45
NON-METALLIC MINERALS	1	7	1	7	0	0	0	0	0	0	0	0
CHEMICALS	5	60	5	60	0	0	0	0	0	0	0	0
OTHER MANUFACTURING	16	885	12	793	1	49	2	26	0	0	1	17
Non-Manufacturing	454	11,784	335	8,064	31	718	36	1,693	6	129	46	1,180
MINING, QUARRYING	2	218	2	218	0	0	0	0	0	0	0	0
TRANSPORTATION	6	321	6	321	0	0	0	0	0	0	0	0
STORAGE	1	13	1	13	0	0	0	0	0	0	0	0
ELECTRIC, GAS, WATER	5	81	3	55	1	11	0	0	0	0	1	15
WHOLESALE TRADE	9	176	6	128	0	0	0	0	0	0	3	48
RETAIL TRADE	40	2,541	21	1,781	1	2	0	0	4	120	14	638
FINANCE, INSURANCE CARRIERS	1	21	0	0	1	21	0	0	0	0	0	0
REAL ESTATE, INSURANCE AGENCIES	8	101	6	66	1	3	0	0	0	0	1	32
EDUCATION, RELATED SERVICES	36	1,877	8	323	11	509	13	1,002	0	0	4	43
HEALTH, WELFARE SERVICES	111	2,828	60	1,710	9	124	21	683	2	9	19	302
RECREATIONAL SERVICES	3	27	3	27	0	0	0	0	0	0	0	0
MANAGEMENT SERVICES	1	3	1	3	0	0	0	0	0	0	0	0
PERSONAL SERVICES	2	25	0	0	1	8	0	0	0	0	1	17
ACCOMMODATION, FOOD SERVICES	18	565	17	509	0	0	0	0	0	0	1	56
LOCAL GOVERNMENT	11	131	7	82	3	28	0	0	0	0	1	21
CONSTRUCTION	114	835	114	835	0	0	0	0	0	0	0	0
OTHER SERVICES	86	2,021	80	1,993	3	12	2	8	0	0	1	8

Table 15

# Occupational Groups in Bargaining Units Certified by Union Fiscal Year 1992-93

	Production & Related				Office		Professional	Sales	Other			
	All Groups	Number Empls.	Empls.	Number Empls.	Clerical & Technical	Number Empls.						
=====												
Number Empls.	Number Empls.	Empls.	Number Empls.	Empls.	Number Empls.	Empls.	Number Empls.	Empls.	Number Empls.			
=====												
All Unions	530	14,820	393	10,724	35	844	39	1,723	7	137	56	1,392
=====												
CLC	264	9,640	172	7,506	30	502	11	269	4	87	47	1,276
=====												
AUTO WORKERS	4	72	4	72	0	0	0	0	0	0	0	0
BAKERY AND TOBACCO WORKERS	4	56	3	23	0	0	0	0	0	0	1	33
BREWERY AND SOFT DRINK WORKERS	4	24	1	15	2	6	1	3	0	0	0	0
CANADIAN AUTO WORKERS	14	652	10	572	0	0	1	26	0	0	3	54
CANADIAN PAPERWORKERS	11	568	10	565	1	3	0	0	0	0	0	0
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	37	882	18	512	8	120	4	150	0	0	7	100
CLOTHING AND TEXTILE WORKERS	2	110	1	89	0	0	0	0	0	0	1	21
COMMUNICATIONS-ELECTRICAL WKRS.	1	7	0	0	1	7	0	0	0	0	0	0
ELECTRICAL WORKERS (UE)	2	22	1	20	1	2	0	0	0	0	0	0
ENERGY AND CHEMICAL WORKERS	6	218	4	200	1	6	0	0	0	0	1	12
FOOD AND COMMERCIAL WORKERS	41	1,358	27	688	2	23	0	0	2	67	10	580
GLASS, POTTERY AND PLASTIC WKRS.	3	90	2	67	0	0	0	0	0	0	1	23
GRAPHIC COMMUNICATION UNION	1	5	1	5	0	0	0	0	0	0	0	0
HOTEL EMPLOYEES	5	137	5	137	0	0	0	0	0	0	0	0
INTERNATIONAL WOODWORKERS OF AMERICA	2	439	2	439	0	0	0	0	0	0	0	0
IWA - CANADA	7	320	7	320	0	0	0	0	0	0	0	0
LADIES GARMENT WORKERS	5	52	1	15	0	0	0	0	1	12	3	25
MACHINISTS	2	54	0	0	0	0	0	0	0	0	2	54
OFFICE AND PROFESSIONAL EMPLOYEES	5	170	1	12	2	131	1	12	0	0	1	15
ONTARIO PUBLIC SERVICE EMPLOYEES	17	441	9	274	5	64	2	63	0	0	1	40
RAILWAY, TRANSPORT AND GENERAL WORKERS	1	38	1	38	0	0	0	0	0	0	0	0
RETAIL WHOLESALE EMPLOYEES	26	1,509	19	1,392	1	4	1	5	1	8	4	100
SERVICE EMPLOYEES INTERNATIONAL	35	785	23	586	4	67	1	10	0	0	7	122
THEATRICAL STAGE EMPLOYEES	2	20	2	20	0	0	0	0	0	0	0	0
TYPOGRAPHICAL UNION	3	59	2	52	0	0	0	0	0	0	1	7
UNITED STEELWORKERS	23	1,516	17	1,357	2	69	0	0	0	0	4	90
UNITED TEXTILE WORKERS	1	36	1	36	0	0	0	0	0	0	0	0

Table 15 (Cont'd)

### Occupational Groups in Bargaining Units Certified by Union Fiscal Year 1992-93

	Office					Sales	Other
	All Groups	Production & Related	Clerical & Technical	Professional	Other		
	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.
=====	=====	=====	=====	=====	=====	=====	=====
All Unions	530 14,820	393 10,724	35 844	39 1,723	7 137	56 1,392	
Non-CLC	266 5,180	221 3,218	5 342	28 1,454	3 50	9 116	
=====	=====	=====	=====	=====	=====	=====	=====
ALLIED HEALTH PROFESSIONALS	2 13	0 0	0 0	2 13	0 0	0 0	0 0
ASBESTOS WORKERS	2 7	2 7	0 0	0 0	0 0	0 0	0 0
BRICKLAYERS INTERNATIONAL	10 112	10 112	0 0	0 0	0 0	0 0	0 0
CANADIAN SECURITY UNION	37 245	37 245	0 0	0 0	0 0	0 0	0 0
CARPENTERS	15 85	15 85	0 0	0 0	0 0	0 0	0 0
CHRISTIAN LABOUR ASSOCIATION	11 122	10 118	0 0	1 4	0 0	0 0	0 0
ELECTRICAL WORKERS (IBEW)	12 85	9 38	1 11	0 0	0 0	2 36	
INDEPENDENT LOCAL UNION	11 433	7 319	1 69	2 37	0 0	1 8	
INTERNATIONAL OPERATING ENGINEERS	33 462	28 419	0 0	3 30	0 0	2 13	
LABOURERS	46 452	45 448	0 0	0 0	0 0	1 4	
ONTARIO ENGLISH CATHOLIC TEACHERS	3 211	1 95	1 89	1 27	0 0	0 0	0 0
ONTARIO NURSES ASSOCIATION	11 482	0 0	0 0	11 482	0 0	0 0	0 0
ONTARIO PUBLIC SCHOOL TEACHERS	8 1,021	1 72	1 124	6 825	0 0	0 0	0 0
PAINTERS	10 51	10 51	0 0	0 0	0 0	0 0	0 0
PLANT GUARD WORKERS	8 747	8 747	0 0	0 0	0 0	0 0	0 0
PLASTERERS	1 2	1 2	0 0	0 0	0 0	0 0	0 0
PLUMBERS	8 38	8 38	0 0	0 0	0 0	0 0	0 0
PRACTICAL NURSES FEDERATION OF ONTARIO	7 249	6 233	0 0	1 16	0 0	0 0	0 0
SHEET METAL WORKERS	4 38	4 38	0 0	0 0	0 0	0 0	0 0
STRUCTURAL IRON WORKERS	4 12	4 12	0 0	0 0	0 0	0 0	0 0
TEAMSTERS	22 306	14 132	1 49	1 20	3 50	3 55	
TRANSIT UNION (CANADIAN)	1 7	1 7	0 0	0 0	0 0	0 0	0 0

Table 16

**Total Bill 40 Applications and Complaints Received, Disposed of and Pending  
Fiscal Year 1992-93**

Type of Case	Caseload		Disposed of Fiscal Year 1992-93							Sine Die	Pending March 31, 1993
	Total	Received Fiscal Year 1992-93	Total	Granted	Dismissed	Terminated	Withdrawn	Settled			
Total	90	90	47	13	5	-	28	1	7	36	
=====											
COMBINATION OF BARGAINING UNITS	33	33	11	2	1	-	8	-	1	21	
COMPLAINTS DURING ORGANIZING ACTIVITIES	22	22	15	2	-	-	12	1	2	5	
INTERIM ORDER	19	19	16	6	3	-	7	-	-	3	
JURISDICTIONAL DISPUTE	9	9	2	2	-	-	-	-	2	5	
MINISTERIAL REFERENCE	2	2	-	-	-	-	-	-	-	2	
REPLACEMENT WORKERS	4	4	2	-	1	-	1	-	2	-	
SALE OF BUSINESS CONTRACT SERVICE SECTOR	1	1	1	1	-	-	-	-	-	-	
=====											



Table 17

**Time Lapse of Certification Applications,  
Disposed of under Bill 40  
(January 1, 1993, to March 31, 1993)**

Time Taken (In Calendar Days)	4th QUARTER 1992-93			4th QUARTER 1991-92		
	Number Disposed	%	Cumula- tive %	Number Disposed	%	Cumula- tive %
TOTAL	197	100.0	-	211	100.0	-
Under 8 days	6	3.0	3.0	4	1.9	1.9
8 - 14 .....	1	0.5	3.6	13	6.2	8.1
15 - 21 .....	54	27.4	31.0	26	12.3	20.4
22 - 28 .....	39	19.8	50.8	38	18.0	38.4
29 - 35 .....	11	5.6	56.3	24	11.4	49.8
36 - 42 .....	15	7.6	64.0	7	3.3	53.1
43 - 49 .....	13	6.6	70.6	6	2.8	55.9
50 - 56 .....	9	4.6	75.1	11	5.2	61.1
57 - 63 .....	4	2.0	77.2	10	4.7	65.9
64 - 70 .....	3	1.5	78.7	5	2.4	68.2
71 - 77 .....	5	2.5	81.2	8	3.8	72.0
78 - 84 .....	0	0.0	81.2	5	2.4	74.4
85 - 91 .....	3	1.5	82.7	8	3.8	78.2
92 - 98 .....	1	0.5	83.2	1	0.5	78.7
99 - 105 .....	0	0.0	83.2	6	2.8	81.5
106 - 126 .....	2	1.0	84.3	6	2.8	84.4
127 - 147 .....	3	1.5	85.8	1	0.5	84.8
148 - 168 .....	3	1.5	87.3	2	0.9	85.8
169 days and over ...	25	12.7	100.0	30	14.2	100.0

\* \* \* \* \*

Table 18

**Time Lapse of Section 91 Complaints,  
Disposed of under Bill 40  
(January 1, 1993, to March 31, 1993)**

Time Lapse From Date Of Application (In Calendar Days)	4th QUARTER 1992-93			4th QUARTER 1991-92		
	Number Disposed	%	Cumula- tive %	Number Disposed	%	Cumula- tive %
TOTAL	213	100.0	-	196	100.0	-
Under 8 days	15	7.0	7.0	11	5.6	5.6
8 - 14 .....	18	8.5	15.5	9	4.6	10.2
15 - 21 .....	35	16.4	31.9	14	7.1	17.3
22 - 28 .....	26	12.2	44.1	11	5.6	23.0
29 - 35 .....	11	5.2	49.3	18	9.2	32.1
36 - 42 .....	14	6.6	55.9	22	11.2	43.4
43 - 49 .....	4	1.9	57.7	13	6.6	50.0
50 - 56 .....	4	1.9	59.6	13	6.6	56.6
57 - 63 .....	5	2.3	62.0	12	6.1	62.8
64 - 70 .....	6	2.8	64.8	7	3.6	66.3
71 - 77 .....	2	0.9	65.7	5	2.6	68.9
78 - 84 .....	4	1.9	67.6	0	0.0	68.9
85 - 91 .....	2	0.9	68.5	3	1.5	70.4
92 - 98 .....	6	2.8	71.4	2	1.0	71.4
99 - 105 .....	6	2.8	74.2	2	1.0	72.4
106 - 126 .....	7	3.3	77.5	7	3.6	76.0
127 - 147 .....	8	3.8	81.2	2	1.0	77.0
148 - 168 .....	5	2.3	83.6	7	3.6	80.6
169 days and over ...	35	16.4	100.0	38	19.4	100.0

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## X CASELOAD 1993-94

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In fiscal year 1993-94, the Board received a total of 4,525 applications and complaints, an increase of 17.9 percent from the intake of 3,837 cases in 1992-93. Of the three major categories of cases that are brought to the Board under the Act, applications for certification of trade unions as bargaining agents increased by 41.5 percent over last year, contraventions of the Act increased by 22.2 percent, and referrals of grievances under construction industry collective agreements decreased by 2.0 percent. The total of all other types of cases increased by 24.1 percent. (Tables 1 and 2).

In addition to the cases received, 894 were carried over from the previous year for a total caseload of 5,419 in 1993-94. Of the total caseload, 3,287, or 60.6 percent, were disposed of during the year; proceedings in 1,014 were adjourned sine die\* (without a fixed date for further action) at the request of the parties; and 1,118 were pending in various stages of processing at March 31, 1994.

The total number of cases processed during the year produced an average workload of 271 cases for the Board's full-time chair and vice-chairs, and the total disposition represented an average output of 164 cases.

### *Labour Relations Officer Activity*

In 1993-94, the Board's labour relations officers were assigned a total of 3,523 cases to help the parties settle differences between them without the necessity of formal litigation before the Board. The assignments comprised 65.0 percent of the Board's total caseload, and included 1,107 certification applications, 14 cases concerning the status of individuals as employees under the Act, 955 complaints of alleged contravention of the Act, 1,356 grievances under construction industry collective agreements, and 89 complaints under the *Occupational Health and Safety Act*. (Table 3).

The labour relations officers completed activity in 2,213 of the assignments, obtaining settlements in 1,931, or 87.3 percent. They referred 282 cases to the Board for decisions; proceedings were adjourned sine die in 778 cases; and settlement efforts were continuing in the remaining 532 cases as of March 31, 1994. Labour relations officers were also successful in having hearings waived by the parties in 931, or 84.1 percent, of 1,107 certification applications assigned for this purpose.

*\*The Board regards sine die cases as disposed of, although they are kept on docket for one year.*

### ***Representation Votes***

In 1993-94, the Board's returning officers conducted a total of 160 representation votes among employees in one or more bargaining units. Of the 160 votes conducted, 125 involved certification applications, 32 were held in applications for termination of existing bargaining rights, and three were taken in successor employer applications. (Table 5).

Of the certification votes, 82 involved a single union on the ballot, and 43 involved two unions.

A total of 12,443 employees were eligible to vote in the 160 elections that were conducted, of whom 9,357, or 75.2 percent, cast ballots. Of those who participated, 59.1 percent voted in favour of union representation. In the 82 elections that involved a single union, 71.6 percent of the eligible voters cast ballots, with 48.0 percent of the participants voting for union representation.

In the 32 votes held in applications for termination of bargaining rights, 79.6 percent of the eligible voters cast ballots, with only 19.3 percent of those who participated voting for the incumbent unions.

### ***Final Offer Votes***

In addition to taking votes ordered in its cases, the Board's Registrar was requested by the Minister to conduct votes among employees on employers' last offer for settlement of a collective agreement dispute under section 40(1) of the Act. Although the Board is not responsible for the administration of votes under that section, the Board's Registrar and field staff are used to conduct these votes because of their expertise and experience in conducting representation votes under the Act.

Of the 18 requests dealt with by the Board during the fiscal year, four cases were granted, six cases were dismissed, settlements were reached in eight cases before a vote was taken, and votes were conducted in 10 situations.

In the 10 votes held, employees accepted the employer's offer in four cases by 102 votes in favour to 74 against, and rejected the offer in 6 cases by 396 votes against to 210 in favour.

### ***Hearings***

The Board held a total of 2,310 hearings and continuation of hearings in 1,077, or 19.9 percent, of the 5,419 cases processed during the fiscal year. Six hundred and seventy-six (676) hearings and continuations of hearings in 354 cases were conducted by a vice-chair

sitting alone, compared with 178 hearings and continuation of hearings in 100 cases in 1992-93.

### *Processing Time*

Table 7 provides statistics on the time taken by the Board to process the 3,287 cases disposed of in 1993-94. Information is shown separately for the three major categories of cases handled by the Board - certification applications, complaints of contravention of the Act, and referrals of grievances under construction industry collective agreements - and for the other categories combined.

A median of 26 days was taken to proceed from filing to disposition for 3,287 cases that were completed in 1993-94, compared with 30 days in 1992-93; certification applications were processed in a median of 24 days, compared with 27 days in 1992-93; complaints of contravention of the Act took 33 days, compared with 39 days in 1992-93; and referrals of construction industry grievances required 15 days as in 1992-93. The median time for the total of all other cases decreased to 48 days from 53 in 1992-93.

Seventy-nine point four percent (79.4) of all dispositions were accomplished in 84 days (3 months) or less, compared with 85.0 percent for certification applications, 74.4 percent for complaints of contravention of the Act, 84.4 percent for referrals of construction industry grievances, and 69.6 percent for the total of all other types of cases. The number of cases requiring more than 168 days (6 months) to complete decreased to 372 from 409 in 1992-93.

### *Certification of Bargaining Agents*

In 1993-94, the Board received 1,166 applications for certification of trade unions as bargaining agents of employees, an increase of 41.5 percent from 1992-93 (Tables 1 and 2).

The applications for certification of trade unions were filed by 84 trade unions, including 15 employee associations. Fourteen of the unions, each with more than 25 applications, accounted for 76.1 percent of the total filings: United Steelworkers (127 cases), Labourers (118 cases), Plant Guard Workers (100 cases), Canadian Security Union (88 cases), Public Employees (CUPE) (72 cases), Canadian Auto Workers (64), Intl. Operating Engineers (60 cases), Food and Commercial Workers (58 cases), Teamsters (44 cases), Ontario Public Service Employees (38 cases), Christian Labour Association (31 cases), Service Employees Intl. (31 cases), Electrical Workers (IBEW) (29 cases), and Carpenters (27 cases). In contrast, 17.8 percent of the unions filed fewer than 5 applications each. These unions together accounted for 2.6 percent of the total certification filings. (Table 8).

Table 9 gives the industrial distribution of the certification applications received and disposed of during the year. Non-manufacturing industries accounted for 88.1 percent of the



applications received, concentrated in construction (186 cases), health and welfare services (134 cases) and other services (429 cases). These three groups comprised 72.9 percent of the total non-manufacturing applications. Of the 139 applications involving establishments in manufacturing industries, 42.4 percent were in three groups: transportation equipment (26 cases), food and beverage (22 cases), and wood (11).

In addition to the applications received, 232 cases were carried over from last year, making a total certification caseload of 1,398 in 1993-94. Of the total caseload, 1,135 were disposed of, proceedings were adjourned sine die in 76 cases, and 187 cases were pending as of March 31, 1994. Of the 1,135 dispositions, certification was granted in 829 cases, including 69 in which interim certificates were issued under section 6(2) of the Act, and five that were certified under Section 9.2; 102 cases were dismissed; and 204 cases were settled or withdrawn. The certified cases represented 73.0 percent of the total dispositions. (Table 1).

Of the 931 applications that were either certified or dismissed, final decisions in 136 cases were based on the results of representation votes. Of the 136 votes conducted, 93 involved a single union on the ballot, and 43 were held between two unions. Applicants won in 74 of the votes and lost in the other 62. (Table 6).

A total of 9,402 employees were eligible to vote in the 136 elections, of whom 9,128, or 97.1 percent, cast ballots. In the 74 votes that were won and resulted in certification, 4,845, or 91.7 percent, of the 5,284 employees eligible to vote cast ballots, and of these voters 3,470, or 71.6 percent, favoured union representation. In the 62 elections that were lost and resulted in dismissals, 4,283 employees participated, and, of these, 48 percent voted for union representation.

***Size and Composition of Bargaining Units:*** Small units continued to be the predominant pattern of union organizing efforts through the certification process in 1993-94. The average size of the bargaining units in the 829 applications that were certified was 31 employees, compared with 29 employees in 1992-93. Units in construction certifications averaged seven employees, the same as in 1992-1993; and in non-construction certifications they averaged 35 employees, the same as in 1992-93. Eighty-two (82) percent of the total certifications involved units of fewer than 40 employees, and 46.2 percent applied to units of fewer than 10 employees. The total number of employees covered by the certification applications granted increased to 25,798 from 14,832 in 1992-93. (Table 10).

Of the employees covered by the applications certified, 2,230, or 8.6 percent, were in bargaining units that comprised full-time employees or in units that excluded employees working 24 hours or less a week. Units composed of employees working 24 hours or less a week accounted for 1,212 employees, found mostly in health and welfare services, and education and related services. Full-time and part-time employees were represented in units covering 22,356 employees, including units that did not specifically exclude employees working 24 hours or less a week. (Tables 12 and 13).

Seventy-four point three percent (74.3) of the employees, or 19,168 were employed in production, service and related occupations; and 1,833 were in office, clerical and technical occupations - mainly in education and related services. Professional employees, found mostly in health and welfare services and education and related services, accounted for 2,089 employees; a small number, 142 employees, were in sales classifications; and 2,566 were in units that included employees in two or more classifications. (Tables 14 and 15).

***Disposition Time:*** A median time of 22 calendar days was required to complete the 829 certification applications granted from receipt to disposition. For non-construction certifications, the median time was 22 days, and for construction certifications the median time was 43 days. (Table 11).

Eighty-eight percent (88.0) of the 829 certification applications granted were disposed of in 84 days (3 months) or less, 80.0 percent took 56 days (2 months) or less, 64.4 percent required 28 days (one month) or less, and 45.8 percent were processed in 21 days (three weeks) or less. Fifty-five cases required longer than 168 days (six months) to process, compared with 45 cases in 1992-93. (Table 11).

### ***Termination of Bargaining Rights***

In 1993-94, the Board received 110 applications under sections 58, 60, 61, 62 and 125 of the Act, seeking termination of the bargaining rights of trade unions. In addition, 24 cases were carried over from 1992-93.

Of the total cases processed, bargaining rights were terminated in 53 cases, 25 cases were dismissed, one case was terminated, 28 cases were withdrawn or settled, proceedings were adjourned sine die in 11 cases, and 16 cases were pending at March 31, 1994.

Unions lost the right to represent 2,004 employees in the 53 cases in which termination was granted, but retained bargaining rights for 518 employees in the 26 cases that were either dismissed or withdrawn.

Of the 78 cases that were either granted or dismissed, dispositions in 31 were based on the results of representation votes. A total of 1,625 employees were eligible to vote in the 31 elections that were held, of whom 1,290, or 79.4 percent, cast ballots. Of those who cast ballots, 244 voted for continued representation by unions and 1,046 voted against. (Table 6).

### ***Declaration of Successor Trade Union***

In 1993-94, the Board dealt with 213 applications for declarations under section 63 of the Act concerning the bargaining rights of successor trade unions resulting from a union merger or transfer of jurisdiction, compared to 19 in 1992-93.

Affirmative declarations were issued by the Board in five cases, one case was dismissed, two cases were withdrawn or settled, with 205 cases pending at March 31, 1994.

### ***Declaration of Successor or Common Employer***

In 1993-94, the Board dealt with 373 applications for declarations under section 64 of the Act concerning the bargaining rights of trade unions of a successor employer resulting from a sale of a business, or for declarations under section 1(4) to treat two companies as one employer. The two types of requests are often made in a single application.

Affirmative declarations were issued by the Board in 33 cases, 128 cases were settled, three cases were withdrawn by the parties, 13 cases were dismissed, one case was terminated, proceedings were adjourned sine die in 68 cases, and 127 cases were pending at March 31, 1994.

### ***Accreditation of Employer Organizations***

One application was processed under sections 127 through 129 of the Act for accreditation of an employer organization as bargaining agent of employers in the construction industry. This case was adjourned sine die.

### ***Declaration and Direction of Unlawful Strike***

No application seeking a declaration under section 94 regarding an alleged unlawful strike by employees in the construction industry was processed by the Board.

Eleven applications were dealt with seeking directions under section 94 regarding alleged unlawful strikes by employees in non-construction industries. A direction was issued in one case, one case was dismissed, one case was settled, four cases were withdrawn, and four cases were adjourned sine die.

Fifteen applications seeking directions under section 137 of the Act against alleged unlawful strikes by construction workers were received. One case was dismissed, nine were withdrawn, proceedings were adjourned sine die in two cases, and three cases were pending at March 31, 1994.

### ***Declaration and Direction of Unlawful Lock-out***

No applications seeking a declaration under section 95 of the Act regarding an alleged unlawful lock-out by construction employers were processed in 1993-94.

Four applications were processed seeking a direction under section 95 of the Act regarding an alleged unlawful lock-out by non-construction employers. All four cases were settled.

### *Consent to Prosecute*

In 1993-94, the Board dealt with two applications under section 103 of the Act requesting consent to institute prosecution in court against unions and employers for alleged commission of offences under the Act. Both cases were pending at March 31, 1994.

### *Complaints of Contravention of Act*

Complaints alleging contravention of the Act may be filed with the Board under section 91 of the Act. In handling these cases, the Board emphasizes voluntary settlements by the parties involved, with the assistance of a labour relations officer.

In 1993-94, the Board received 1,067 complaints under this section. In complaints against employers, the principal charges were alleged illegal discharge of or discrimination against employees for union activity in violation of section 65 and 67 of the Act, illegal changes in wages and working conditions contrary to section 81, and failure to bargain in good faith under section 15. These charges were made mostly in connection with applications for certification. The principal charge against trade unions was alleged failure to represent employees fairly in grievances against their employer.

In addition to the complaints received, 230 cases were carried over from 1992-93. Of the 1,297 cases processed, 856 were disposed of, proceedings were adjourned sine die in 160 cases, and 281 cases were pending at March 31, 1994.

In 624, or 72.9 percent, of the 856 dispositions, voluntary settlements and withdrawals of the complaint were secured by labour relations officers (Table 4). Remedial orders were issued by the Board in 50 cases, 156 cases were dismissed, 625 cases were settled, 22 cases were withdrawn, and three cases were terminated (Table 1).

### *Construction Industry Grievances*

Grievances over an alleged violation of the provisions of a collective agreement in the construction industry may be referred to the Board for resolution under section 126 of the Act. As with complaints of contravention of the Act, the Board encourages voluntary settlement of these cases by the parties involved, with the assistance of a labour relations officer.



In 1993-94, the Board received 1,364 applications under this section, a decrease of 2 percent over the previous year. The principal issues in these grievances were alleged failure by employers to make required contributions to health and welfare, pension, and vacation funds, failure to deduct union dues, and alleged violation of the subcontracting and hiring arrangements in the collective agreement.

In addition to the cases received, 183 were carried over from 1992-93. Of the total 1,547 grievances processed, 723 were disposed of, 72 were granted, 14 cases were dismissed, 633 cases were settled, four cases were withdrawn, proceedings were adjourned sine die in 634 cases, and 190 were pending at March 31, 1994.

In 631, or 87.3 percent, of the 723 dispositions, voluntary settlements and withdrawal of the grievance were obtained by labour relations officers (Table 4), and awards were made by the Board in 72 cases.

### ***MISCELLANEOUS APPLICATIONS AND COMPLAINTS***

#### ***Right of Access***

In 1993-94, six applications were dealt with under section 11 of the Act, in which the union sought access to the employer's property. One case was dismissed, three were withdrawn, and two cases were pending at March 31, 1994.

#### ***Religious Exemption***

Seven applications were processed under section 48 of the Act, seeking exemption for employees from the union security provisions of collective agreements because of their religious beliefs. Three applications were settled, two cases were dismissed, one was adjourned sine die, and the remaining case was pending at March 31, 1994.

#### ***Early Termination of Collective Agreements***

Twenty-four applications were processed under section 53(3) of the Act, seeking early termination of collective agreements. Consent was granted in 23 cases, and one case was pending at March 31, 1994.

#### ***Union Financial Statements***

Two complaints were dealt with under section 87 of the Act, alleging failure by

trade unions to furnish members with audited financial statements of the union's affairs. A settlement was reached in one case, and the remaining case was dismissed.

### *Jurisdictional Disputes*

Sixty-eight complaints were dealt with under section 93 of the Act, involving union work jurisdiction. An assignment of work in dispute was made by the Board in 14 cases, nine cases were dismissed, nine cases were settled or withdrawn, one case was terminated, eight cases were adjourned sine die, and 27 cases were pending at March 31, 1994.

### *Determination of Employee Status*

The Board dealt with 38 applications under section 108(2) of the Act, seeking decisions on the status of individuals as employees under the Act. Ten cases were settled by the parties in discussions with labour relations officers. Determinations were made by the Board in five cases, four cases were dismissed, one case was terminated, proceedings were adjourned sine die in seven cases, and 11 cases were pending at March 31, 1994.

### *Referrals by Minister of Labour*

In 1993-94, the Board dealt with 29 cases referred by the Minister under section 109 of the Act for opinions or questions related to the Minister's authority to appoint a conciliation officer under section 16 of the Act, or an arbitrator under sections 45 or 46. Five cases were granted, one case was dismissed, three cases were terminated, six cases were either withdrawn or adjourned sine die, and 14 cases were pending at March 31, 1994.

One case was referred to the Board by the Minister under section 141(4) of the Act, concerning the designations of the employee and employer agencies in a bargaining relationship in the industrial, commercial, and institutional sector of the construction industry. The case was dismissed.

### *Trusteeship Reports*

Eight statements were filed with the Board during the year, reporting that local unions had been placed under trusteeship.

### *First Agreement Arbitration*

Until January 1, 1993, under section 41 of the Act parties could first apply to the Board for a direction to arbitrate; then, if the direction was granted, they could choose to

have the settlement arbitrated by the Board or privately by a board of arbitration. As of the January 1, 1993 amendments, the Board no longer has the power to arbitrate first agreements.

In 1993-94, the Board dealt with 9 applications for directions to settle first agreements by arbitration. One direction was issued, six cases were settled or withdrawn, and proceedings were adjourned sine die in two cases.

### ***Determination of Sector in the Construction Industry***

Four applications were dealt with by the Board under section 153 of the Act, asking the Board to determine whether construction work in question was within the industrial, commercial and institutional sector. One case was granted, one case was adjourned sine die, and two cases were pending at March 31, 1994.

### ***Occupational Health and Safety Act and the Environmental Protection Act***

In 1993-94, the Board dealt with 115 complaints under section 50 of the *Occupational Health and Safety Act*, alleging wrongful discipline or discharge for acting in compliance with the Act. Twenty-four cases were carried over from 1992-93.

Of the total 115 cases processed, 63 were settled by the parties in discussions with labour relations officers. Seven cases were dismissed, proceedings were adjourned sine die in 17 cases, and the remaining 28 were pending at March 31, 1994.

One application under the *Environmental Protection Act* was processed by the Board. The case was settled.

### ***Colleges Collective Bargaining Act***

One complaint was dealt with under section 77 of the *Colleges Collective Bargaining Act*, alleging contraventions of the Act. The case was withdrawn.

Two applications were dealt with under section 81 of the Act for decisions on the status of individuals as employees under the Act. One case was dismissed, and the other was withdrawn.

Statistics on the cases under the *Colleges Collective Bargaining Act* are included in Table 1.

## ***BILL 40 CASES***

### ***Combination of Bargaining Units***

The Board dealt with 94 applications under section 7 of the Act to combine bargaining units. Thirty-six were granted, 24 were withdrawn, 2 were dismissed, and 15 were adjourned sine die. The remaining 17 were pending at year-end.

### ***Complaints During Organizing Activities***

The Board dealt with 71 under section 92.2 of the Act, alleging wrongful discipline or discharge of employees during organizing activities. Three were granted, one case was settled, four were dismissed, two were terminated, 17 were adjourned sine die, and 38 were withdrawn. Six were pending at March 31, 1994.

### ***Interim Orders***

The Board received 111 applications for interim orders received under section 92.1 of the Act. Of the 114 cases processed, 16 cases were granted, five were settled, four cases were terminated, 11 were dismissed, 66 were withdrawn or adjourned sine die, and the remaining 12 were pending at year-end.

### ***Jurisdictional Disputes***

The Board held 43 consultations with respect to jurisdictional disputes under section 93 of the Act. Six were granted, five were dismissed, one was terminated, 10 were withdrawn or adjourned sine die, and the remaining 21 were pending at March 31, 1994.

### ***Ministerial References***

Fifteen questions were referred to the Board by the Minister under section 109 of the Act, involving issues other than those related to the Minister's authority to make appointments under sections 16, 45, or 46 of the Act. Two cases were carried over from 92-93. Four cases were granted, one case was dismissed, two cases were terminated, four were withdrawn or adjourned sine die, with six pending at year-end.

Eleven questions were referred to the Board by the Minister under the *Hospital Labour Disputes Arbitration Act*. Three cases were granted, one terminated, one adjourned sine die, and the remaining six pending at March 31, 1994.



### *Replacement Workers*

Twenty-six applications regarding replacement workers under sections 73.1 or 73.2 of the Act were received by the Board. Three were granted, two were dismissed, one was terminated, nine were withdrawn or adjourned sine die, and 11 were pending at March 31, 1994.

### *Sale of a Business - Building Services Contracts*

Eighteen applications were filed under section 64.2 of the Act. Three cases were granted, two were settled, one was terminated, four cases were withdrawn or adjourned sine die, and the remaining eight were pending at March 31, 1994.

### *Access to Property to which the Public Normally has Access*

Four applications were received under section 11.1 of the Act regarding access to property to which the public normally has access for picketing or organizing purposes. Two were dismissed and the remaining two withdrawn.

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## **XI COURT ACTIVITY 1993-94**

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During the fiscal year 1993-94, the Ontario Court of Justice (General Division) dealt with five applications for judicial review, all of which were dismissed.

An application for leave to have a matter heard before a single judge on the grounds of urgency was dismissed. That case is still pending.

An appeal of the granting of an application for an order compelling the attendance of the Chair, Registrar and a Vice-Chair was allowed. Leave to appeal that decision is pending.

A motion to strike an affidavit in one case was dismissed. That case is still pending.

A motion to quash a summons to a Board member was granted, and a motion to set aside that order was dismissed during the 1992-93 year. Leave to appeal is still pending.

Eight other applications for judicial review were pending at year-end.

The Board was granted intervenor status in two cases that came before the courts. In one, a motion to vary a receivership order was dismissed. In another, an application to restrain picketing activities was dismissed, as was an appeal of that decision. Leave to appeal is being sought.

In one case, the Court of Appeal denied leave to appeal a decision which had dismissed an application for judicial review.

The Supreme Court of Canada dismissed an appeal of a decision upholding a Board decision in one case, and dismissed a motion for leave to appeal from a decision which upheld a Board decision in another.

All court decisions respecting applications involving the Board are reported in the Board's Monthly Reports.

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## XII STATISTICAL TABLES 1993-94

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The following statistics reflect the activities of the Ontario Labour Relations Board during the fiscal year 1993-94.

- Table 1:** Total Applications and Complaints Received, Disposed of and Pending, Fiscal Year 1993-94.
- Table 2:** Applications and Complaints Received and Disposed of, Fiscal Years 1989-90 to 1993-94.
- Table 3:** Labour Relations Officer Activity in Cases Processed, Fiscal Year 1993-94.
- Table 4:** Labour Relations Officer Settlements in Cases Disposed of, Fiscal Year 1993-94.
- Table 5:** Results of Representation Votes Conducted, Fiscal Year 1993-94.
- Table 6:** Results of Representation Votes in Cases Disposed of, Fiscal Year 1993-94.
- Table 7:** Time Required to Process Applications and Complaints Disposed of, by Major Type of Case, Fiscal Year 1993-94.
- Table 8:** Union Distribution of Certification Applications Received and Disposed of, Fiscal Year 1993-94.
- Table 9:** Industry Distribution of Certification Applications Received and Disposed of, Fiscal Year 1993-94.
- Table 10:** Size of Bargaining Units in Certification Applications Granted, Fiscal Year 1993-94.
- Table 11:** Time Required to Process Certification Applications Granted, Fiscal Year 1993-94.
- Table 12:** Employment Status of Employees in Bargaining Units Certified, by Industry, Fiscal Year 1993-94.
- Table 13:** Employment Status of Employees in Bargaining Units Certified, by Union, Fiscal Year 1993-94.

- Table 14:** Occupational Groups in Bargaining Units Certified, by Industry, Fiscal Year 1993-94.
- Table 15:** Occupational Groups in Bargaining Units Certified, by Union, Fiscal Year 1993-94.
- Table 16:** Bill 40 Applications Received, Disposed of, and Pending, Fiscal Year 1993-94.





Table 1

# Total Applications and Complaints Received, Disposed of and Pending Fiscal Year 1993-94

Type of Case	Caseload			Disposed of Fiscal Year 1993-94						Pending March 31, 1994
	Total	Pending April 1, 1993	Received Fiscal Year 1993-94	Total	Granted*	Dismissed	Terminated	Withdrawn	Settled	
<b>Total</b>	<b>5419</b>	<b>894</b>	<b>4525</b>	<b>3287</b>	<b>1132</b>	<b>347</b>	<b>10</b>	<b>78</b>	<b>1720</b>	<b>1118</b>
CERTIFICATION OF BARGAINING AGENTS	1398	232	1166	1135	829	102	0	16	188	187
COMBINATION OF BARGAINING UNITS	94	21	73	62	36	2	0	0	24	17
DECLARATION OF TERMINATION OF BARGAINING RIGHTS	134	24	110	107	53	25	1	1	27	16
DECLARATION OF SUCCESSOR TRADE UNION	213	2	211	8	5	1	0	1	1	205
DECLARATION OF SUCCESSOR EMPLOYER OR COMMON EMPLOYER STATUS	373	111	262	178	33	13	1	3	128	127
APPLICATION UNDER SUCCESSOR RIGHTS (CROWN TRANSFERS)	7	3	4	0	0	0	0	0	0	3
ACCREDITATION	1	1	0	0	0	0	0	0	0	0
DIRECTION RESPECTING UNLAWFUL STRIKE	26	1	25	17	1	2	0	13	1	3
DIRECTION RESPECTING UNLAWFUL LOCKOUT	4	0	4	4	0	0	0	0	4	0
CONSENT TO PROSECUTE	2	0	2	0	0	0	0	0	0	2
CONTRAVENTION OF ACT	1297	230	1067	856	50	156	3	22	625	281
RIGHT OF ACCESS	6	0	6	4	0	1	0	3	0	2
EXEMPTION FROM UNION SECURITY	7	3	4	5	0	2	0	0	3	1
PROVISION IN COLLECTIVE AGREEMENT	24	4	20	23	23	0	0	0	0	1
EARLY TERMINATION OF COLLECTIVE AGREEMENT	2	0	2	2	0	1	0	0	1	0
TRADE UNION FINANCIAL STATEMENT	68	30	38	33	14	9	1	7	2	27
JURISDICTIONAL DISPUTE	38	13	25	20	5	4	1	0	10	11
REFERRAL ON EMPLOYEE STATUS	29	3	26	12	5	1	3	3	0	14
REFERRAL FROM MINISTER ON APPOINTMENT OF CONCILIATION OFFICER OR ARBITRATOR	1547	183	1364	723	72	14	0	4	633	190
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE										
REFERRAL FROM MINISTER ON CONSTRUCTION BARGAINING AGENCY	1	1	0	1	0	1	0	0	0	0
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	115	24	91	70	0	7	0	0	63	28
ENVIRONMENTAL PROTECTION ACT	1	0	1	1	0	0	0	0	1	0
COMPLAINT UNDER THE SMOKING IN THE WORKPLACE ACT	1	0	1	0	0	0	0	0	0	1
FIRST AGREEMENT ARBITRATION DIRECTION	9	2	7	7	1	0	0	5	1	0
DETERMINATION OF SECTOR OF CONSTRUCTION	4	3	1	1	1	0	0	0	0	2
FINAL OFFER VOTE	18	2	16	18	4	6	0	0	8	0

\* Includes cases in which a request was granted or a determination made by the Board.  
For Final Offer Votes, Granted indicates that offer was accepted and dismissed indicates a rejection.

Table 2

# Applications and Complaints Received and Disposed of Fiscal Years 1989-90 to 1993-94

Type of Case	Number Received, Fiscal Year					Number Disposed of, Fiscal Year						
	Total	1989-90	1990-91	1991-92	1992-93	1993-94	Total	1989-90	1990-91	1991-92	1992-93	1993-94
Total	19307	3287	3488	4170	3837	4525	14718	2685	2799	3041	2906	3287
CERTIFICATION OF BARGAINING AGENTS	4767	910	775	1,092	824	1,166	4,519	880	773	988	743	1,135
COMBINATION OF BARGAINING UNITS	106	-	-	-	33	73	73	-	-	-	11	62
DECLARATION OF TERMINATION OF BARGAINING RIGHTS	661	167	129	133	122	110	646	132	152	121	134	107
DECLARATION OF SUCCESSOR TRADE UNION	249	13	5	3	17	211	54	23	3	3	17	8
DECLARATION OF SUCCESSOR EMPLOYER OR COMMON EMPLOYER STATUS	1152	201*	194	238	257	262	768	143	122	148	177	178
APPLICATION UNDER SUCCESSOR RIGHTS (CROWN TRANSFERS)	26	-	9	13	1	3	78	-	63	2	13	-
ACCREDITATION	-	-	-	-	-	-	5	1	3	1	-	-
DECLARATION OF UNLAWFUL STRIKE	17	11	3	-	3	-	19	8	6	-	5	-
DECLARATION OF UNLAWFUL LOCKOUT	8	-	5	-	3	-	6	1	4	-	1	-
DIRECTION RESPECTING UNLAWFUL STRIKE	176	59	39	27	26	25	97	36	20	9	15	17
DIRECTION RESPECTING UNLAWFUL LOCKOUT	36	5	12	6	9	4	29	4	9	3	9	4
CONSENT TO PROSECUTE	17	5	5	2	3	2	11	3	3	1	4	-
CONTRAVENTION OF ACT	4,528	817	883	888	873	1,067	3,779	700	709	752	762	856
RIGHT OF ACCESS	10	1	2	1	-	6	8	1	2	1	-	4
EXEMPTION FROM UNION SECURITY	34	13	5	8	4	4	31	11	8	5	2	5
PROVISION IN COLLECTIVE AGREEMENT	102	27	16	18	21	20	103	27	13	20	20	23
EARLY TERMINATION OF COLLECTIVE AGREEMENT	25	5	9	7	2	2	25	6	8	7	2	2
TRADE UNION FINANCIAL STATEMENT	181	27	33	51	32	38	147	30	26	19	39	33
JURISDICTIONAL DISPUTE	203	55	54	43	26	25	192	59	41	49	23	20
REFERRAL ON EMPLOYEE STATUS	39	2	2	4	5	26	20	-	1	6	1	12
REFERRAL FROM MINISTER ON APPOINTMENT OF CONCILIATION OFFICER OR ARBITRATOR	6,289	881	1,162	1,490	1,392	1,364	3,531	549	699	793	767	723
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	2	-	-	1	-	-	2	1	-	-	-	1
REFERRAL FROM MINISTER ON CONSTRUCTION BARGAINING AGENCY	430	63	90	84	102	91	357	55	79	66	87	70
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	6	3	2	-	-	1	6	1	3	1	-	-
ENVIRONMENTAL PROTECTION ACT	2	-	-	-	1	1	1	-	-	1	-	-
COMPLAINT UNDER THE SMOKING IN THE WORKPLACE ACT	132	21	22	36	46	7	117	13	25	28	44	7
FIRST AGREEMENT ARBITRATION DIRECTION	16	-	8	5	3	-	13	1	6	3	3	-
ARBITRATION PROVISION	14	2	2	3	6	1	8	-	3	2	2	1
DETERMINATION OF SECTOR OF CONSTRUCTION WORK	76	-	18	16	26	16	71	-	17	11	25	18
FINAL OFFER VOTE	3	-	2	1	-	-	2	-	1	1	-	-
MISCELLANEOUS												

\*Includes applications under Successor Rights (Crown Transfers)

Table 3

### Labour Relations Officer Activity in Cases Processed \* Fiscal Year 1993-94

Type of Case	Total Cases Assigned	Cases in Which Activity Completed					
		Total	Settled		Referred to Board	Sine Die	Pending
			Number	Percent			
Total	3,523	2,213	1,931	87.3	282	778	532
CERTIFICATION OF BARGAINING AGENTS	1,107	916	815	89.0	101	47	144
Interim certificate	73	41	29	70.7	12	7	25
Pre-hearing application	74	62	55	88.7	7	1	11
Other application	988	825	739	89.6	86	47	116
CONTRAVENTION OF ACT	955	613	499	81.4	114	131	211
REFERRAL ON EMPLOYEE STATUS	14	9	9	100.0	0	2	3
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	1,356	620	560	90.3	60	588	148
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	89	54	47	87.0	7	10	25
ENVIRONMENTAL PROTECTION ACT	1	1	1	100.0	0	0	0
COMPLAINT UNDER THE SMOKING IN THE WORKPLACE ACT	1	0	0	0.0	0	0	1

\* Includes all cases assigned to labour relations officers, which may or may not have been disposed of by the end of the year.

\* \* \* \* \*

Table 4

### Labour Relations Officer Settlements in Cases Disposed of \* Fiscal Year 1993-94

Type of Case	Total Disposed of	Officer Settlements	
		Number	Percent of Dispositions
Total	1670	1329	79.6
CONTRAVENTION OF ACT	856	624	72.9
REFERRAL ON EMPLOYEE STATUS	20	10	50.0
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	723	631	87.3
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	70	63	90.0
ENVIRONMENTAL PROTECTION ACT	1	1	100.0

\* Includes only cases in which labour relations officers play the leading role in the processing of the case. The figures refer to cases disposed of during the year and should not be confused with data for the same types of cases in Table 3. Table 3 refers to new assignments of cases made to labour relations officers during the year which may or may not have been disposed of by the end of the year.



Table 5

### Results of Representation Votes Conducted\* Fiscal Year 1993-94

Type of Case		Number of Votes	Eligible Employees	Ballots Cast	
				Total	In Favour of Unions
Total		160	12443	9357	5534
Certification		125	10662	7917	5226
Pre-hearing cases:	One union	24	2,804	1,947	882
	Two unions	34	2,744	2,270	2,229
Construction cases:	One union	7	51	44	13
	Two unions	3	26	23	22
Regular cases:	One union	51	4,205	3,066	1,532
	Two unions	6	832	567	548
Termination of Bargaining Rights:	One union	32	1,656	1,318	254
Successor Employer:	One union	3	125	122	54

\* Refers to all representation votes conducted and the results counted during the fiscal year, regardless of whether or not the case was disposed of during the year.

\* \* \* \* \*

Table 6

### Results of Representation Votes in Cases Disposed of \* Fiscal Year 1993-94

Type of Case	Number of Votes			Eligible Votes			All Ballots Cast			Ballots Cast in Favour of Unions		
	Total	Appl. Won	Appl. Lost	Total	In Votes		Total	In Votes		Total	In Votes	
					Won	Lost		Won	Lost		Won	Lost
Total	170	105	65	11152	6928	4224	10540	6153	4387	5823	3730	2093
Certification	136	74	62	9402	5284	4118	9128	4845	4283	5525	3470	2055
Pre-hearing cases												
One union	29	14	15	2,653	1,482	1,171	3,676	2,030	1,646	1,689	1,227	462
Two unions	36	27	9	2,470	1,279	1,191	2,071	1,006	1,065	2,023	1,001	1,022
Construction cases												
One union	10	1	9	82	15	67	65	15	50	20	8	12
Two unions	1	1	0	4	4	0	5	5	0	4	4	0
Regular cases												
One union	54	27	27	3,846	2,214	1,632	3,063	1,585	1,478	1,562	1,037	525
Two unions	6	4	2	347	290	57	248	204	44	227	193	34
Termination												
One union	31	30	1	1,625	1,613	12	1,290	1,278	12	244	240	4
Successor Employer												
One union	3	1	2	125	31	94	122	30	92	54	20	34

\* Refers to final representation votes conducted in cases disposed of during the fiscal year. This table should not be confused with Table 5 which refers to all representation votes conducted during the year regardless of whether or not the case was disposed of during the year.

Table 7

Time Required to Process Applications and Complaints Disposed of,  
by Major Type of Case, Fiscal Year 1993-94

Time Taken (Calendar Days)	All Cases		Certification Cases		Section 91 Cases		Section 126 Cases		All Other Cases	
	Dispo- sitions	Cumu- lative Percent	Dispo- sitions	Cumu- lative Percent	Dispo- sitions	Cumu- lative Percent	Dispo- sitions	Cumu- lative Percent	Dispo- sitions	Cumu- lative Percent
Total	3287	100.0	1135	100.0	856	100.0	723	100.0	573	100.0
=====+=====										
Under 8 days .....	261	7.9	18	1.6	145	16.9	59	8.2	39	6.8
8-14 days .....	465	22.1	62	7.0	85	26.9	284	47.4	34	12.7
15-21 days .....	649	41.8	389	41.3	79	36.1	108	62.4	73	25.5
22-28 days .....	404	54.1	222	60.9	80	45.4	43	68.3	59	35.8
29-35 days .....	180	59.6	47	65.0	61	52.6	32	72.8	40	42.8
36-42 days .....	154	64.3	53	69.7	48	58.2	24	76.1	29	47.8
43-49 days .....	104	67.4	41	73.3	34	62.1	11	77.6	18	51.0
50-56 days .....	107	70.7	44	77.2	21	64.6	11	79.1	31	56.4
57-63 days .....	78	73.1	27	79.6	19	66.8	6	79.9	26	60.9
64-70 days .....	91	75.8	27	81.9	29	70.2	12	81.6	23	64.9
71-77 days .....	56	77.5	13	83.1	23	72.9	8	82.7	12	67.0
78-84 days .....	62	79.4	22	85.0	13	74.4	12	84.4	15	69.6
85-91 days .....	46	80.8	11	86.0	12	75.8	10	85.8	13	71.9
92-98 days .....	41	82.1	7	86.6	15	77.6	9	87.0	10	73.6
99-105 days .....	33	83.1	10	87.5	11	78.9	6	87.8	6	74.7
106-126 days .....	85	85.7	21	89.3	27	82.0	18	90.3	19	78.0
127-147 days .....	50	87.2	9	90.1	18	84.1	9	91.6	14	80.5
148-168 days .....	49	88.7	12	91.2	25	87.0	2	91.8	10	82.2
Over 168 days .....	372	100.0	100	100.0	111	100.0	59	100.0	102	100.0

90  
Table 8

# Union Distribution of Certification Applications Received and Disposed of Fiscal Year 1993-94

Union	Number of Applications Received	Number of Applications Disposed of			
		Total	Certi- fied	Dismis- sed**	With- drawn***
All Unions	1166	1135	829	102	204
=====	=====	=====	=====	=====	=====
CLC Affiliates *	558	561	405	55	101
AUTO WORKERS	5	5	4	1	0
BAKERY AND TOBACCO WORKERS	1	1	1	0	0
BREWERY AND SOFT DRINK WORKERS	6	8	6	2	0
CANADIAN AUTO WORKERS	64	67	49	5	13
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	72	68	57	2	9
CLOTHING AND TEXTILE WORKERS	3	4	3	1	0
COMMUNICATIONS, ENERGY AND PAPERWORKERS UNION OF CANADA	24	26	16	8	2
ELEVATORS CONSTRUCTORS	1	2	2	0	0
FOOD AND COMMERCIAL WORKERS	58	43	34	1	8
GRAIN MILLERS	1	1	1	0	0
GRAPHIC COMMUNICATION UNION	4	4	2	1	1
HOTEL EMPLOYEES	14	19	8	6	5
INTERNATIONAL WOODWORKERS OF AMERICA	9	7	7	0	0
IWA - CANADA	12	12	9	1	2
LADIES GARMENT WORKERS	3	2	1	1	0
MACHINISTS	4	4	3	0	1
NEWSPAPER GUILD	5	4	3	0	1
OFFICE AND PROFESSIONAL EMPLOYEES	7	10	9	0	1
ONTARIO PUBLIC SERVICE EMPLOYEES	38	38	34	2	2
RAILWAY, TRANSPORT AND GENERAL WORKERS	8	8	5	1	2
RETAIL WHOLESALE EMPLOYEES	16	34	17	11	6
SEAFARERS	7	7	0	0	7
SERVICE EMPLOYEES INTERNATIONAL	31	29	22	3	4
THEATRICAL STAGE EMPLOYEES	18	15	11	2	2
TRANSIT UNION (INTL.)	3	4	4	0	0
UNITED STEELWORKERS	127	122	86	5	31
UNITED TEXTILE WORKERS	17	17	11	2	4
Non-CLC Affiliates	608	574	424	47	103
ALLIED HEALTH PROFESSIONALS	1	1	1	0	0
ASBESTOS WORKERS	1	1	0	1	0
BOILERMAKERS	2	2	2	0	0
BRICKLAYERS INTERNATIONAL	13	11	8	1	2
CANADIAN EDUCATIONAL WORKERS	1	0	0	0	0
CANADIAN OPERATING ENGINEERS	0	1	0	0	1
CANADIAN SECURITY UNION	88	84	66	1	17
CARPENTERS	27	29	14	10	5
CHRISTIAN LABOUR ASSOCIATION	31	33	26	2	5
ELECTRICAL WORKERS (IBEW)	29	28	22	3	3
FOOD AND SERVICE WORKERS	1	0	0	0	0
INDEPENDENT LOCAL UNION	7	6	6	0	0
INTERNATIONAL OPERATING ENGINEERS	60	59	36	5	18
LABOURERS	118	119	88	10	21
ONTARIO ENGLISH CATHOLIC TEACHERS	4	4	4	0	0
ONTARIO NURSES ASSOCIATION	18	16	15	1	0
ONTARIO PUBLIC SCHOOL TEACHERS	7	7	6	1	0
PAINTERS	9	9	7	1	1
PLANT GUARD WORKERS	100	77	60	4	13
PLASTERERS	1	1	1	0	0
PLUMBERS	14	15	10	1	4
PRACTICAL NURSES FEDERATION OF ONTARIO	5	6	3	1	2
SHEET METAL WORKERS	7	6	6	0	0
STRUCTURAL IRON WORKERS	10	8	7	0	1
TEAMSTERS	44	43	31	5	7
TRANSIT UNION (CANADIAN)	0	1	0	0	1
OTHER	10	7	5	0	2

\*Canadian Labour Congress. \*\*Includes cases that were terminated. \*\*\*Includes cases that were settled.

Table 9

# Industry Distribution of Certification Applications Received and Disposed of Fiscal Year 1993-94

Industry	Number of Applications Received	Number of Applications Disposed of			
		Total	Certi- fied	Dismis- sed*	With- drawn**
All Industries	1166	1135	829	103	203
Manufacturing	139	139	103	21	15
CHEMICALS	5	7	6	1	0
CLOTHING	3	3	2	0	1
ELECTRICAL PRODUCTS	8	9	6	1	2
FABRICATED METALS	9	9	6	2	1
FOOD, BEVERAGES	22	24	19	2	3
FURNITURE, FIXTURES	7	5	4	0	1
LEATHER	1	0	0	0	0
MACHINERY	3	3	3	0	0
NON-METALLIC MINERALS	1	1	1	0	0
PAPER	8	7	1	5	1
PRIMARY METALS	7	6	4	2	0
PRINTING, PUBLISHING	9	10	6	2	2
RUBBER, PLASTICS	9	9	5	3	1
TEXTILES	2	1	1	0	0
TRANSPORTATION EQUIPMENT	26	28	26	2	0
WOOD	11	11	9	0	2
OTHER MANUFACTURING	8	6	4	1	1
Non-Manufacturing	1027	996	726	82	188
ACCOMMODATION, FOOD SERVICES	40	44	31	6	7
CONSTRUCTION	186	191	118	29	44
EDUCATION, RELATED SERVICES	28	29	28	1	0
ELECTRIC, GAS, WATER	15	14	12	1	1
FINANCE, INSURANCE CARRIERS	2	2	2	0	0
HEALTH, WELFARE SERVICES	134	141	116	11	14
LOCAL GOVERNMENT	27	22	18	1	3
MANAGEMENT SERVICES	1	1	1	0	0
MINING, QUARRYING	3	3	3	0	0
PERSONAL SERVICES	14	11	9	1	1
REAL ESTATE, INSURANCE AGENCIES	8	10	8	0	2
RECREATIONAL SERVICES	31	27	16	3	8
RETAIL TRADE	71	63	39	6	18
STORAGE	3	3	3	0	0
TRANSPORTATION	19	30	17	7	6
WHOLESALE TRADE	16	16	10	4	2
OTHER SERVICES	429	389	295	12	82

\* Includes cases that were terminated.

\*\* Includes cases that were settled.



Table 10

### Size of Bargaining Units in Certification Applications Granted Fiscal Year 1993-94

Employee Size*	Total		Construction**		Non-Construction	
	Number of Appli- cations	Number of Em- ployees	Number of Appli- cations	Number of Em- ployees	Number of Appli- cations	Number of Em- ployees
Total	829	25,798	113	764	716	25,034
2-9 employees	383	1,820	94	372	289	1,448
10-19 employees	168	2,299	12	162	156	2,137
20-39 employees	128	3,539	5	135	123	3,404
40-99 employees	106	6,681	2	95	104	6,586
100-199 employees	28	3,808	0	0	28	3,808
200-499 employees	12	3,567	0	0	12	3,567
500 employees or more	4	4,084	0	0	4	4,084

\* Refers to the total number of employees in one or more bargaining units certified in an application. A total of 840 bargaining units were certified in the 829 applications in which certification was granted.

\*\* Refers to cases processed under the construction industry provisions of the Act. This figure should not be confused with the figure in Table 9, which includes all applications involving construction employers whether processed under the construction industry provisions of the Act or not.

\* \* \* \* \*

Table 11

### Time Required to Process Certification Applications Granted \*

#### Fiscal Year 1993-94

Calendar Days (including adjournments requested by the parties)	Total Certified		Non-Construction		Construction	
	Number	Cumulative Percent	Number	Cumulative Percent	Number	Cumulative Percent
Total	829	100.0	716	100.0	113	100.0
Under 8 days	0	0.0	0	0.0	0	0.0
8-14 days	36	4.3	33	4.6	3	2.7
15-21 days	343	45.8	315	48.7	28	27.4
22-28 days	155	64.4	140	68.2	15	40.7
29-35 days	34	68.5	28	72.0	6	46.0
36-42 days	40	73.3	26	75.7	14	58.4
43-49 days	22	76.0	17	78.0	5	62.8
50-56 days	33	80.0	28	82.0	5	67.3
57-63 days	22	82.6	19	84.6	3	69.9
64-70 days	17	84.7	15	86.7	2	71.7
71-77 days	7	85.5	5	87.4	2	73.5
78-84 days	21	88.0	20	90.2	1	74.3
85-91 days	6	88.8	4	90.8	2	76.1
92-98 days	6	89.5	5	91.5	1	77.0
99-105 days	6	90.2	3	91.9	3	79.6
106-126 days	13	91.8	11	93.4	2	81.4
127-147 days	5	92.4	3	93.8	2	83.2
148-168 days	8	93.4	8	95.0	0	83.2
Over 168 days	55	100.0	36	100.0	19	100.0

\* Refers only to applications in which certification was granted. This table should not be confused with Table 7 which refers to all certification applications disposed of during the year regardless of the method of disposition.

Table 12

# Employment Status of Employees in Bargaining Units Certified by Industry Fiscal Year 1993-94

Industry	All Units		Full-time		Part-time		Full-time & Part-time		All Employees No Exclusion Specified	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
=====										
All Industries	840	25,798	62	2,230	33	1,212	76	2,936	669	19,420
Manufacturing	105	4,562	20	935	3	54	14	1,038	68	2,535
FOOD, BEVERAGES	19	506	1	45	2	47	1	7	15	407
RUBBER, PLASTICS	5	166	2	67	0	0	0	0	3	99
TEXTILES	1	4	0	0	0	0	0	0	1	4
CLOTHING	2	62	0	0	0	0	1	8	1	54
WOOD	9	299	5	223	0	0	1	24	3	52
FURNITURE, FIXTURES	5	121	0	0	0	0	0	0	5	121
PAPER	1	34	0	0	0	0	0	0	1	34
PRINTING, PUBLISHING	6	168	3	117	0	0	0	0	3	51
PRIMARY METALS	4	173	0	0	0	0	1	7	3	166
FABRICATED METALS	6	393	1	117	0	0	2	86	3	190
MACHINERY	3	265	1	60	0	0	1	158	1	47
TRANSPORTATION EQUIPMENT	27	1,600	5	186	1	7	5	511	16	896
ELECTRICAL PRODUCTS	6	416	0	0	0	0	1	220	5	196
NON-METALLIC MINERALS	1	7	0	0	0	0	0	0	1	7
CHEMICALS	6	272	1	95	0	0	0	0	5	177
OTHER MANUFACTURING	4	76	1	25	0	0	1	17	2	34
Non-Manufacturing	735	21,236	42	1,295	30	1,158	62	1,898	601	16,885
RETAIL TRADE	39	1,536	7	146	1	18	4	203	27	1,169
FINANCE, INSURANCE CARRIERS	2	26	0	0	0	0	0	0	2	26
REAL ESTATE, INSURANCE AGENCIES	8	37	0	0	0	0	0	0	8	37
EDUCATION, RELATED SERVICES	28	2,415	6	702	5	393	2	675	15	645
HEALTH, WELFARE SERVICES	121	4,082	9	103	16	607	4	53	92	3,319
RECREATIONAL SERVICES	16	767	1	3	1	6	2	21	12	737
MANAGEMENT SERVICES	1	5	0	0	0	0	0	0	1	5
PERSONAL SERVICES	9	171	0	0	0	0	3	44	6	127
ACCOMMODATION, FOOD SERVICES	32	1,404	5	95	1	32	5	159	21	1,118
OTHER SERVICES	296	5,271	5	136	4	88	36	621	251	4,426
LOCAL GOVERNMENT	18	629	3	44	0	0	1	33	14	552
CONSTRUCTION	118	822	3	29	0	0	1	26	114	767

Table 13

# Employment Status of Employees in Bargaining Units Certified by Union Fiscal Year 1993-94

Union	All Units		Full-time		Part-time		Full-time & Part-time		All Employees No Exclusion Specified	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Unions	840	25,798	62	2,230	33	1,212	76	2,936	669	19,420
CLC	409	17,728	43	1,301	20	604	25	1,753	321	14,070
AUTO WORKERS	4	166	1	117	0	0	2	30	1	19
BAKERY AND TOBACCO WORKERS	1	45	1	45	0	0	0	0	0	0
BREWERY AND SOFT DRINK WORKERS	6	129	1	88	0	0	0	0	5	41
CANADIAN AUTO WORKERS	50	2,451	7	258	1	7	5	505	37	1,681
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	57	2,419	5	153	4	286	1	107	47	1,873
CLOTHING AND TEXTILE WORKERS	3	87	0	0	0	0	0	0	3	87
COMMUNICATIONS, ENERGY AND PAPERWORKERS UNION OF CANADA	16	431	2	93	0	0	2	45	12	293
ELEVATORS CONSTRUCTORS	2	14	0	0	0	0	0	0	2	14
FOOD AND COMMERCIAL WORKERS	34	1,400	5	84	1	12	2	167	26	1,137
GRAIN MILLERS	1	13	0	0	0	0	0	0	1	13
GRAPHIC COMMUNICATION UNION	2	21	1	12	0	0	0	0	1	9
HOTEL EMPLOYEES	8	285	1	16	0	0	2	112	5	157
INTERNATIONAL WOODWORKERS OF AMERICA	7	194	2	81	0	0	2	77	3	36
IWA - CANADA	9	144	4	78	0	0	0	0	5	66
LADIES GARMENT WORKERS	1	13	0	0	0	0	0	0	1	13
MACHINISTS	3	45	0	0	0	0	0	0	3	45
NEWSPAPER GUILD	3	62	1	20	0	0	0	0	2	42
OFFICE AND PROFESSIONAL EMPLOYEES	9	736	0	0	0	0	1	568	8	168
ONTARIO PUBLIC SERVICE EMPLOYEES	35	1,106	1	5	7	191	0	0	27	910
RAILWAY, TRANSPORT AND GENERAL WORKERS	5	164	0	0	1	7	0	0	4	157
RETAIL WHOLESALE EMPLOYEES	18	3,542	2	48	0	0	1	28	15	3,466
SERVICE EMPLOYEES INTERNATIONAL	22	423	4	22	2	41	2	33	14	327
THEATRICAL STAGE EMPLOYEES	11	248	0	0	0	0	0	0	11	248
TRANSIT UNION (INTL.)	4	273	1	26	1	7	0	0	2	240
UNITED STEELWORKERS	87	3,116	2	82	2	47	2	26	81	2,961
UNITED TEXTILE WORKERS	11	201	2	73	1	6	3	55	5	67

Table 13 (Cont'd)

# Employment Status of Employees in Bargaining Units Certified by Union Fiscal Year 1993-94

Union	All Units		Full-time		Part-time		Full-time & Part-time		All Employees No Exclusion Specified	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Unions	840	25,798	62	2,230	33	1,212	76	2,936	669	19,420
Non-CLC	431	8,070	19	929	13	608	51	1,183	348	5,350
ALLIED HEALTH PROFESSIONALS	1	72	0	0	0	0	0	0	1	72
BOILERMAKERS	2	7	0	0	0	0	0	0	2	7
BRICKLAYERS INTERNATIONAL	8	54	0	0	0	0	1	7	7	47
CANADIAN SECURITY UNION	66	422	0	0	1	6	0	0	65	416
CARPENTERS	14	79	0	0	0	0	0	0	14	79
CHRISTIAN LABOUR ASSOCIATION	30	322	4	39	3	31	0	0	23	252
ELECTRICAL WORKERS (IBEW)	22	212	1	5	0	0	0	0	21	207
INDEPENDENT LOCAL UNION	6	133	0	0	1	75	1	33	4	25
INTERNATIONAL OPERATING ENGINEERS	36	444	4	59	0	0	2	28	30	357
LABOURERS	90	1,172	1	95	1	61	5	82	83	934
ONTARIO ENGLISH CATHOLIC TEACHERS	4	313	1	141	1	108	0	0	2	64
ONTARIO NURSES ASSOCIATION	15	686	0	0	2	104	0	0	13	582
ONTARIO PUBLIC SCHOOL TEACHERS	6	732	1	394	2	173	0	0	3	165
PAINTERS	7	21	0	0	0	0	0	0	7	21
PLANT GUARD WORKERS	60	1,103	1	44	0	0	34	578	25	481
PLASTERERS	1	4	0	0	0	0	0	0	1	4
PLUMBERS	10	45	0	0	0	0	1	5	9	40
PRACTICAL NURSES FEDERATION OF ONTARIO	3	85	0	0	0	0	0	0	3	85
SHEET METAL WORKERS	6	20	0	0	0	0	0	0	6	20
STRUCTURAL IRON WORKERS	7	43	0	0	0	0	0	0	7	43
TEAMSTERS	32	1,944	5	89	2	50	7	450	18	1,355
OTHER	3	107	1	63	0	0	0	0	4	94



Table 14

# Occupational Groups in Bargaining Units Certified by Industry Fiscal Year 1993-94

	Office											
	All Groups		Production & Related		Clerical & Technical		Professional		Sales		Other	
	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.
=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====
All Industries	840	25,798	679	19,168	51	1,833	53	2,089	9	142	48	2,566
=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====
Manufacturing	105	4,562	89	4,113	10	141	0	0	3	33	3	275
=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====
FOOD, BEVERAGES	19	506	15	465	1	8	0	0	3	33	0	0
RUBBER, PLASTICS	5	166	5	166	0	0	0	0	0	0	0	0
TEXTILES	1	4	0	0	1	4	0	0	0	0	0	0
CLOTHING	2	62	2	62	0	0	0	0	0	0	0	0
WOOD	9	299	9	299	0	0	0	0	0	0	0	0
FURNITURE, FIXTURES.	5	121	5	121	0	0	0	0	0	0	0	0
PAPER	1	34	1	34	0	0	0	0	0	0	0	0
PRINTING, PUBLISHING	6	168	3	106	3	62	0	0	0	0	0	0
PRIMARY METALS	4	173	4	173	0	0	0	0	0	0	0	0
FABRICATED METALS	6	393	6	393	0	0	0	0	0	0	0	0
MACHINERY	3	265	3	265	0	0	0	0	0	0	0	0
TRANSPORTATION EQUIPMENT	27	1,600	22	1,274	3	57	0	0	0	0	2	269
ELECTRICAL PRODUCTS	6	416	4	407	1	3	0	0	0	0	1	6
NON-METALLIC MINERALS	1	7	1	7	0	0	0	0	0	0	0	0
CHEMICALS	6	272	6	272	0	0	0	0	0	0	0	0
OTHER MANUFACTURING	4	76	3	69	1	7	0	0	0	0	0	0
=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====
Non-Manufacturing	735	21,236	590	15,055	41	1,692	53	2,089	6	109	45	2,291
=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====
RETAIL TRADE	39	1,536	30	1,166	0	0	0	0	5	99	4	271
FINANCE, INSURANCE CARRIERS	2	26	0	0	2	26	0	0	0	0	0	0
REAL ESTATE, INSURANCE AGENCIES	8	37	5	27	1	2	0	0	0	0	2	8
EDUCATION, RELATED SERVICES	28	2,415	6	757	5	759	13	597	0	0	4	302
HEALTH, WELFARE SERVICES	121	4,082	55	1,965	11	157	37	1,352	0	0	18	608
RECREATIONAL SERVICES	16	767	10	680	1	3	0	0	1	10	4	74
MANAGEMENT SERVICES	1	5	0	0	1	5	0	0	0	0	0	0
PERSONAL SERVICES	9	171	7	117	0	0	0	0	0	0	2	54
ACCOMMODATION, FOOD SERVICES	32	1,404	30	624	0	0	0	0	0	0	2	780
OTHER SERVICES	296	5,271	280	4,797	9	306	2	45	0	0	5	123
LOCAL GOVERNMENT	18	629	7	73	7	402	1	95	0	0	3	59
CONSTRUCTION	118	822	116	805	1	5	0	0	0	0	1	12

Table 15

Occupational Groups in Bargaining Units Certified by Union  
Fiscal Year 1993-94

	All Groups		Production & Related		Office Clerical & Technical		Professional		Sales		Other	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
=====												
All Unions	840	25,798	679	19,168	51	1,833	53	2,089	9	142	48	2,566
=====												
CLC	409	17,728	291	13,338	41	1,637	28	892	7	135	42	1,726
=====												
AUTO WORKERS	4	166	4	166	0	0	0	0	0	0	0	0
BAKERY AND TOBACCO WORKERS	1	45	1	45	0	0	0	0	0	0	0	0
BREWERY AND SOFT DRINK WORKERS	6	129	4	125	1	2	1	2	0	0	0	0
CANADIAN AUTO WORKERS	50	2,451	45	2,150	3	32	0	0	0	0	2	269
CANADIAN UNION OF PUBLIC EMPLOYEES	57	2,419	30	1,258	8	419	13	380	0	0	6	362
(CUPE)												
CLOTHING AND TEXTILE WORKERS	3	87	2	83	1	4	0	0	0	0	0	0
COMMUNICATIONS, ENERGY AND	16	431	11	371	3	52	0	0	0	0	2	8
PAPERWORKERS UNION OF CANADA												
ELEVATORS CONSTRUCTORS	2	14	2	14	0	0	0	0	0	0	0	0
FOOD AND COMMERCIAL WORKERS	34	1,400	32	1,230	0	0	0	0	1	10	1	160
GRAIN MILLERS	1	13	1	13	0	0	0	0	0	0	0	0
GRAPHIC COMMUNICATION UNION	2	21	2	21	0	0	0	0	0	0	0	0
HOTEL EMPLOYEES	8	285	8	285	0	0	0	0	0	0	0	0
INTERNATIONAL WOODWORKERS OF AMERICA	7	194	6	187	0	0	0	0	0	0	1	7
IWA - CANADA	9	144	9	144	0	0	0	0	0	0	0	0
LADIES GARMENT WORKERS	1	13	0	0	0	0	0	0	0	0	1	13
MACHINISTS	3	45	1	21	2	24	0	0	0	0	0	0
NEWSPAPER GUILD	3	62	0	0	3	62	0	0	0	0	0	0
OFFICE AND PROFESSIONAL EMPLOYEES	9	736	2	32	5	643	0	0	0	0	2	61
ONTARIO PUBLIC SERVICE EMPLOYEES	35	1,106	12	231	5	72	9	439	0	0	9	364
RAILWAY, TRANSPORT AND GENERAL	5	164	4	148	0	0	0	0	0	0	1	16
WORKERS												
RETAIL WHOLESALE EMPLOYEES	18	3,542	16	3,487	0	0	0	0	1	23	1	32
SERVICE EMPLOYEES INTERNATIONAL	22	423	14	324	2	26	4	28	0	0	2	45
THEATRICAL STAGE EMPLOYEES	11	248	4	86	0	0	1	43	0	0	6	119
TRANSIT UNION (INTL.)	4	273	3	266	1	7	0	0	0	0	0	0
UNITED STEELWORKERS	87	3,116	67	2,450	7	294	0	0	5	102	8	270
UNITED TEXTILE WORKERS	11	201	11	201	0	0	0	0	0	0	0	0

Table 15 (Cont'd)

Occupational Groups in Bargaining Units Certified by Union  
Fiscal Year 1993-94

	All Groups	Production & Related	Office Clerical & Technical	Professional	Sales	Other
Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.
=====	=====	=====	=====	=====	=====	=====
All Unions	840 25,798	679 19,168	51 1,833	53 2,089	9 142	48 2,566
Non-CLC	431 8,070	388 5,830	10 196	25 1,197	2 7	6 840
ALLIED HEALTH PROFESSIONALS	1 72	1 72	0 0	0 0	0 0	0 0
BOILERMAKERS	2 7	2 7	0 0	0 0	0 0	0 0
BRICKLAYERS INTERNATIONAL	8 54	7 42	0 0	0 0	0 0	1 12
CANADIAN SECURITY UNION	66 422	66 422	0 0	0 0	0 0	0 0
CARPENTERS	14 79	14 79	0 0	0 0	0 0	0 0
CHRISTIAN LABOUR ASSOCIATION	30 322	30 322	0 0	0 0	0 0	0 0
ELECTRICAL WORKERS (IBEW)	22 212	19 155	1 5	0 0	0 0	2 52
INDEPENDENT LOCAL UNION	6 133	3 46	2 12	1 75	0 0	0 0
INTERNATIONAL OPERATING ENGINEERS	36 444	36 444	0 0	0 0	0 0	0 0
LABOURERS	90 1,172	87 1,138	1 8	0 0	0 0	2 26
ONTARIO ENGLISH CATHOLIC TEACHERS	4 313	0 0	1 141	3 172	0 0	0 0
ONTARIO NURSES ASSOCIATION	15 686	0 0	0 0	15 686	0 0	0 0
ONTARIO PUBLIC SCHOOL TEACHERS	6 732	2 552	1 7	3 173	0 0	0 0
PAINTERS	7 21	7 21	0 0	0 0	0 0	0 0
PLANT GUARD WORKERS	60 1,103	60 1,103	0 0	0 0	0 0	0 0
PLASTERERS	1 4	1 4	0 0	0 0	0 0	0 0
PLUMBERS	10 45	10 45	0 0	0 0	0 0	0 0
PRACTICAL NURSES FEDERATION OF ONTARIO	3 85	2 72	0 0	1 13	0 0	0 0
SHEET METAL WORKERS	6 20	6 20	0 0	0 0	0 0	0 0
STRUCTURAL IRON WORKERS	7 43	7 43	0 0	0 0	0 0	0 0
TEAMSTERS	32 1,944	24 1,149	4 23	1 15	2 7	1 750
OTHER	3 107	4 94	0 0	1 63	0 0	0 0

Table 16

**Total Bill 40 Applications and Complaints Received, Disposed of and Pending  
Fiscal Year 1993-94**

Type of Case	Caseload			Disposed of Fiscal Year 1993-94						Sine Die	Pending March 31, 1994
	Total	Pending April 1, 1993	Received Fiscal Year 1993-94	Total	Granted*	Dismissed	Terminated	Withdrawn	Settled		
	398	36	362	260	74	27	12	139	8	51	87
=====											
COMBINATION OF BARGAINING UNITS	94	21	73	62	36	2	-	24	-	15	17
COMPLAINTS DURING ORGANIZING ACTIVITIES	71	5	66	48	3	4	2	38	1	17	6
INTERIM ORDER	114	3	111	92	16	11	4	56	5	10	12
JURISDICTIONAL DISPUTE	43	5	38	20	6	5	1	8	-	2	21
MINISTERIAL REFERENCE	28	2	26	14	7	1	3	3	-	2	12
REPLACEMENT WORKERS	26	-	26	11	3	2	1	5	-	4	11
SALE OF BUSINESS CONTRACT SERVICE SECTOR	18	-	18	9	3	-	1	3	2	1	8
ACCESS TO THIRD PARTY PREMISES	4	-	4	4	-	2	-	2	-	-	-
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